

CALIFORNIA REGULATIONS

EXCERPTS FROM REGULATIONS RELATED TO AUTOMOTIVE REPAIR

Title 13. Motor Vehicles

Division 2. Department of the California Highway Patrol

Title 16. Professional and Vocational Regulations

Division 33. Bureau of Automotive Repair

Division 33.1. Arbitration Certification Program

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TITLE 13. MOTOR VEHICLES

Division 2. Department of the California Highway Patrol

Chapter 2. Lighting Equipment

Article 1. Lighting Equipment Subject to Regulation

§ 620. Scope of Subchapter.

This subchapter applies to vehicle lighting equipment defined in Vehicle Code Section 375 and subject to requirements established by the department under Vehicle Code Section 26103.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 21201, 21201.5, 24006, 24012, 24411, 24603, 24607, 25102.5, 25106, 25252.5, 26103, and 26104, Vehicle Code.

HISTORY

1. Repealer of former Subchapter 2 (Sections 620–828) and new Subchapter 2 (Sections 620–818) filed 5–29–80; designated effective 7–1–80 (Register 80, No. 22). For prior history, see Registers 67, No. 49; 68, Nos. 24 and 26; 69, Nos. 3, 16, 19, 27; 70, No. 27; 71, No. 12; 71, No. 49; 72, Nos. 15, 25, 33; 73, Nos. 22 and 47; 75, No. 42; 76, Nos. 42 and 48; 77, No. 8; and 78, No. 16.

§ 621. Federally Regulated Equipment.

Lighting equipment for which the department is authorized to establish requirements and for which there is a mandatory Federal Motor Vehicle Safety Standard (FMVSS) or Federal Consumer Product Safety Commission Regulation (CPSC) shall comply with the requirements in that standard or regulation. This provision applies not only to federally required original equipment devices and their replacements but also to additional devices of the same type that are not required by those standards but are regulated by the Vehicle Code. Such equipment shall be exempt from the requirements of this subchapter except for Section 625 of this Article and all of Articles 6 and 7. This provision applies to the following items:

<i>Type of Equipment</i>	<i>CPSC No.</i>	<i>FMVSS No.</i>
Bicycle reflectors, reflectorized pedals and reflectorized tires	Part 1512	—
Clearance lamps		108
Emergency reflex reflectors		125
Hazard warning flashers		108
Hazard warning switches		108
Headlamps		108
License plate lamps		108
Reflex reflectors		108
School bus warning lamp systems		108
Semiautomatic headlamp beam switching devices		108
Sidemarkers lamps		108
Stop lamps		108
Taillamps		108
Turn signal flashers		108
Turn signal lamps		108

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 21201, 21201.5, 24006, 24012, 24411, 24603, 24607, 25102.5, 25106, 25252.5, 26103, and 26104, Vehicle Code.

HISTORY

1. Amendment of first paragraph filed 2–8–2008; operative 3–9–2008 (Register 2008, No. 6).

§ 622. Equipment for Which There Is No Federal Regulation.

Lighting equipment for which the department is authorized to establish requirements and for which there is no federal standard or regulation shall comply with the requirements in this subchapter. This provision applies to the following equipment:

<i>Type of Equipment</i>	<i>Article</i>
Cornering lamps	10
Deceleration signal systems	11
Driving lamps	9

<i>Type of Equipment</i>	<i>Article</i>
Fog lamps	9
Fog taillamps	12
Passing lamps	9
Reflex reflectors on front of vehicle	14
Replacement lenses	15
Reserve lighting and outage indicating systems	16
Running lamps	17
School bus sidelamps	18
School bus strobe lamp	23
Side turn signal lamps	19
Supplemental stop and turn signal lamps	19
Warning lamp flashers	21
Warning lamps	22

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006, 24012, 24411, 24603, 24607, 25102.5, 25106, 25257.7, 26103 and 26104, Vehicle Code.

HISTORY

1. Amendment filed 6–7–85; effective thirtieth day thereafter (Register 85, No. 23).
2. Amendment filed 3–8–91; operative 4–7–91 (Register 91, No. 15).

§ 623. Definitions.

The following definitions shall apply whenever the terms are used in this subchapter:

(a) An “aftermarket lighting device” is an item that is sold or offered for sale for use on any vehicle and includes devices of which some of the production is original equipment on specific models.

(b) “CHP” or “department” means the Department of the California Highway Patrol.

(c) An “original equipment lighting device” is an item that is factory installed on new vehicles and includes identical devices sold or offered for sale solely as replacements for the originals.

(d) A “sealed optical unit” is a lighting unit with the lens and reflector assembly permanently sealed to prevent the entrance of gas and moisture into the unit.

(e) A “semisealed optical unit” is a lighting unit with a replaceable bulb and with the lens permanently sealed to the reflector.

NOTE: Authority and reference cited: Section 26103, Vehicle Code.

§ 624. Referenced Publications.

(a) Consumer Product Safety Commission regulations for bicycle reflex reflectors, reflectorized pedals, and reflectorized tires may be obtained at the following address: Consumer Product Safety Commission, Washington, D.C. 20207.

(b) A complete set of the Federal Motor Vehicle Safety Standards may be purchased at the following address: U.S. Government Printing Office, Washington, D.C. 20402.

Individual Federal Motor Vehicle Safety Standards may be obtained at the following address: National Highway Traffic Safety Administration, General Services Division, Room 5111C, Nassif Building, Washington, D.C. 20591.

(c) The Society of Automotive Engineers Handbook, Supplement 34, “Lighting Equipment and Photometric Tests,” may be purchased at the following address: Society of Automotive Engineers, Inc., 400 Commonwealth Avenue, Warrendale, PA 15096.

NOTE: Authority and reference cited: Section 26103, Vehicle Code.

§ 625. Test Data.

Test data referred to in Vehicle Code Section 26104 for equipment subject to regulations established by the department under Vehicle Code Section 26103 shall include the following information:

- (a) The date of the test report.
- (b) The date tests were conducted.
- (c) The standard or regulation with which the device complies.
- (d) A description of the device.
- (e) The type of material used for each major component.
- (f) Data for plastic material used in optical parts.
- (g) Where reflex sheeting is used, the sheeting manufacturer’s designation for the particular material used in the device.

(h) The bulb socket dimensions or a statement that the socket meets maximum and minimum bulb support gage requirements.

(i) Trade number and quantity of bulbs used.

(j) The voltage and current at which laboratory standard bulbs were operated to obtain rated mean spherical candlepower.

(k) A list of the marks of identification, including size, location, and method of marking.

(l) Photographs or halftone prints of the assembled and disassembled device.

(m) The actual results obtained for each test or measurement required by this title or by applicable sections of Federal Motor Vehicle Safety Standards, Federal Consumer Product Safety Commission regulations, and their referenced specifications. Words such as "complies," "passed," "less than," or "more than" are not acceptable where minimum or maximum requirements are specified in measurable units, except for detailed dimensional checks of sealed lighting units and housings for such units checked by go-no-go gages.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 26103 and 26104, Vehicle Code.

Article 2. Identification Markings

§ 630. Permanent Markings.

Each lens and housing shall be permanently and legibly marked with the manufacturer's or vendor's name, initials or lettered trademark, the model designation, and other specified markings. Lens markings need not be the same as housing markings. Markings shall be imprinted on a permanently attached nameplate, die-stamped, or molded in the locations specified in this title. In lieu of other methods of marking, gaseous discharge bulbs, flashers, and the backs of sealed optical units may be marked with indelible ink.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006 and 26103, Vehicle Code.

§ 631. Size of Markings.

Required markings and at least one letter of a lettered trademark shall be not less than 3.0 mm (0.12 in.) in height. Raised molded markings not less than 2.0 mm (0.08 in.) in height may be used on lenses with an area of less than 13 cm² (2 in.²) or on housings with a projected area less than 25 cm² (4 in.²). Indelible ink markings not less than 2.0 mm (0.08 in.) in height may be used on bulbs with a base diameter of less than 10.0 mm (0.40 in.).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006 and 26103, Vehicle Code.

§ 632. Model Designation Markings.

All devices shall be marked with a model designation which differentiates one model from another unless they are identical except for right- and left-hand mounting, housing finish or material, number and type of bulbs or functions, or number of wiring connections to a switch. Warning lamps of the lightbar type, which are of the same design and construction except for number and type of warning lamp or siren functions, may have the same model number provided they also have a permanently marked serial number either unique to each unit or coded to indicate the particular functions.

§ 633. Lens Markings.

Markings on the exterior lenses of lamps and reflex reflective devices and photoelectric detectors and on exterior filters or transparent covers shall be visible from the outside when the device is installed. When removal of the lens from the housing would destroy the device, either the housing or the lens may be marked if the markings differ from those previously used on any similar device.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006 and 26103, Vehicle Code.

§ 634. Sealed Optical Unit Markings.

Sealed and semisealed optical units shall be marked on the lens

with the manufacturer's name, initials, or lettered trademark and model number. Such units for driving lamps, fog lamps, and passing lamps may have the model number marked on the lens, or indelibly inked or permanently molded on the back of the unit. The model designation of a sealed warning lamp optical unit not covered by a lens or filter shall be indelibly imprinted or molded on the lens so as to be visible and legible when the device is installed.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006 and 26103, Vehicle Code.

§ 635. Aftermarket Housing Markings.

Markings on the housing of an aftermarket lamp or reflective device shall be externally marked on the shell or other fixed part of the housing or shall be readily visible through the lens. Required markings may be placed on the door, grommet, bezel, or ornamental ring provided such part is so shaped or indexed to preclude its being installed on a housing of a different make or model. When removal of the lens from the housing would destroy the device, the housing is not required to be marked if the lens markings differ from those on any previously manufactured lens. External housing markings are not required on lamps which are packaged for sale in a disassembled condition and are marked so that the housing markings are visible when the lamp is installed on a vehicle and the lens is removed. Housings of separate control or power supply units (such as for reserve lighting and outage indicators or gaseous discharge warning lamps) shall be marked so as to be visible when the unit is installed on a vehicle.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006 and 26103, Vehicle Code.

§ 636. Original Equipment Housing Markings.

Markings on the housing of an original equipment lamp or reflex reflective device which is factory installed on a specific motor vehicle model shall be visible when the lens is disassembled from the housing or the device is disassembled from the vehicle. Markings on original equipment housings or mounting rings for a sealed optical unit shall be visible when the unit and ornamental trim are removed. When removal of the lens from the housing would destroy the device, the housing is not required to be marked. Housings of separate control or power supply units (such as for reserve lighting and outage indicators or gaseous discharge warning lamps) shall be marked so as to be visible when the unit is installed on a vehicle.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006 and 26103, Vehicle Code.

§ 637. Orientation Markings.

Aftermarket lamps and reflex reflectors shall be marked with the word "top" on both the exterior and interior of the housing to designate the proper mounting position, except as noted in the following subsections. The markings on the interior of the housing shall be die-stamped or molded and shall be located so as to be visible when the lens is removed.

(a) Rotated Devices. "Top" is not required on a device which meets the test requirements when it is rotated about its axis 90 and 180 deg.

(b) Housing. "Top" is not required on the housing if the lens is indexed in the housing in only one position and the word "top" is die-stamped or molded on the lens so as to be visible when the device is installed. "Top" is not required on the exterior of the housing when the interior is so marked and the lens must be removed to install the lamp on a vehicle.

(c) Sealed or Semisealed Optical Unit. "Top" is not required on the housing for any sealed or semisealed optical unit if the lens markings on the unit are right side up when the unit is in its design mounting position.

(d) Interior and Exterior. "Top" is not required on the interior of the housing if the exterior "top" marking is visible when the device is installed, nor on the exterior of the housing if the interior "top" marking is visible through the lens when the device is installed.

(e) Location. "Top" is not required at the top of the device if the

word is inscribed elsewhere with an arrow pointing from “top” to the proper mounting position.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006, 24012, and 26103, Vehicle Code.

Article 3. Construction Requirements

§ 640. Lamp Construction.

Gaskets shall be constructed of durable material which will retain its shape and resiliency. Electrical wiring shall be protected from abrasion and sharp edges.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 641. Optic Indexing.

Lenses, interior reflectors, removable sockets, double-filament bulbs, and sealed and semisealed optical units shall be indexed into adjacent components to prevent rotation and misinstallation. Housings for sealed and semisealed optical units designed for mounting in either of two positions rotated 180 deg apart (such as fog lamps above or below a bumper) shall be indexed so the optical units are in their design position when the housing is mounted in either of the two positions. Indexing is not required for lenses that are symmetrical about the H-V axis.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 642. Bulbs.

Sealed optical units and bulbs shall meet the requirements appropriate to the type of unit or bulb in SAE J573g, December 1976; SAE J571d, June 1976; SAE J572a, January 1972; or SAE J760a, December 1974. Sealed optical units, semisealed optical units, and bulbs of a type not listed in these SAE editions may be used provided replacements are readily available to the user.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 643. Bulb Sockets.

Sockets for bulbs designed to comply with SAE J573g, December 1976, shall comply with SAE J567c, December 1970. Any auxiliary means employed for bulb retention and positioning in a tension socket must be of resilient construction.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 644. Translucent Housings.

Lamps with translucent housings shall not emit to the exterior of the vehicle more than 7.75 mcd/cm² (50 mcd/in.²) of any color other than that emitted through the lens. Where the lighted section is large enough to fill a circle of at least 6.45 cm² (1.00 in.²) the limit applies to the brightest location that completely fills this size circle.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 645. White Light to Rear.

White light which is emitted to the rear of a vehicle from the lens of any lamp other than a backup lamp shall not exceed 7.75 mcd/cm² (50 mcd/in.²) measured as described in Section 644.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 646. Lens Rotation and Displacement.

Movement of a sealed optical unit in its housing shall not exceed ± 5 deg rotation, measured about the axis of the unit from a vertical line passing through the top of the unit. Lamps with lenses that are not located in a firmly fixed position in the housing shall comply with the photometric requirements with the lens in any position to which it can be shifted.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 647. Plastic Materials.

Plastic materials shall meet the following requirements:

(a) Optical Parts. Plastic materials for optical parts of devices shall comply with SAE J576d, June 1976. Samples shall be tested either in the thickness specified in SAE J576d or in the minimum, maximum, and one intermediate thickness of the material as specified by the materials manufacturer.

(b) Dark Filters. Transparent material used for darkening the unlighted appearance of lamps shall meet the luminous transmittance and trichromatic coefficient requirements before and after the outdoor exposure test when used in conjunction with a colored filter that in combination meets the color requirements of SAE J578d, September 1978, before the exposure test.

(c) Substitution of Materials. When one of several distinctive types of plastic materials, such as polymethyl methacrylate, is acceptable under one manufacturer's designation, another material of the same type may be substituted under a different manufacturer's designation without a re-test of the device in which it is used. Plastic materials of different types, such as butyrate and polymethyl methacrylate, shall not be substituted for one another unless the device containing such substitution is retested to meet the warpage and photometric test requirements.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 648. Housing for Optical Units.

Housing for sealed and semisealed optical units shall have mounting surfaces and retaining rings meeting the following requirements:

(a) Seating Areas. Seating areas on mounting rings or their equivalent shall be free of any burrs or projections that might cause unit breakage or improper seating for a distance of at least 32 mm (1.25 in.) on each side of the center of the locating notch.

(b) Retaining rings or similar devices for holding a unit in a housing shall provide rigid retention of a unit of minimum design flange thickness.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 5. Mechanical Test Requirements

§ 660. Applicability.

Devices shall comply with the following mechanical tests where so specified for a particular type of device.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 661. Aiming Adjustment Test.

Housings for sealed and semisealed optical units, and complete assemblies for roadlighting equipment, such as driving, fog, and passing lamps, shall comply with the following aiming adjustment requirements:

(a) Adjustment Range. The range of adjustment from the specified aim for the lamp shall be at least ± 4 deg in both the vertical and horizontal directions. Fog lamps designed as original equipment for a specific vehicle model need have the specified range of adjustment in the vertical direction only.

(b) Aiming Deviation. The vertical aim of lamps with independent vertical and horizontal aiming adjustment shall not deviate more than a total of 10 cm (4.0 in.) at a distance of 7.6 m (25 ft) from the lens, when the horizontal aim is adjusted through an angle of ± 4 deg from the correct aim specified in this title. The same requirement shall apply to deviation of horizontal aim when the vertical aim is adjusted. Original equipment fog lamps with only a vertical aim adjustment shall not exceed the specified horizontal deviation when the vertical aim is adjusted through the required angle. This requirement does not apply to ball-and-socket or equivalent adjusting means.

(c) Self-Locking Device. Self-locking devices which hold aiming screws in position shall operate satisfactorily for 10 adjustments on

each screw over a thread length of 3.0 mm (0.12 in.) inward to outward from the correct aim. This requirement does not apply to ball-and-socket or equivalent adjusting means.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment of subsections (a) and (b) filed 12-17-81; effective thirtieth day thereafter (Register 81, No. 51).

§ 662. Corrosion Test.

The device shall show no evidence of corrosion that would affect the proper functioning of the device when tested in accordance with Section 4.4 of SAE J575g, September 1977.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 663. Dust Test.

The device shall have no visible inside dust that results in more than a 10% reduction in maximum intensity with the outer surface cleaned as compared to the intensity after both the outer and inner surfaces are cleaned after the device is tested in accordance with Section 4.3 of SAE J575g, September 1977.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 664. Lens Recession Test.

The lamp body or housing, including the aiming mechanism, when subjected to an inward force of 222 N (50 lb) directed parallel to the lamp axis and symmetrically about the center of the lens, shall meet the following requirements:

(a) Permanent Recession. The lens or sealed unit shall not permanently recede by more than 2.5 mm (0.10 in.).

(b) Permanent Aim Deviation. The aim of the lamp shall not permanently deviate by more than 32 mm (1.25 in.) at a distance of 7.6 m (25 ft).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 665. Moisture Test.

The device shall not accumulate more than 2 cm³ of moisture when tested in accordance with Section 4.2 of SAE J575g, September 1977.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 666. Vibration Test.

The device, when tested in accordance with Section 4.1 of SAE J575g, September 1977, shall show no rotation, displacement, cracking, or rupture of parts which would result in failure of the photometric test or any other test in this article pertaining to the device, nor shall there be any cracking or rupture of parts affecting the mounting of the device. Failure of internal components of any bulb or sealed unit used in the device shall not constitute a failure unless caused by striking parts of the housing. The device shall be mounted on a stand that represents the method and position used for mounting on a vehicle. Instead of the Section 4.1 of SAE J575g, September 1977 test, devices may be tested in accordance with Section 4.1 of SAE J575f, April 1975.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 12-17-81; effective thirtieth day thereafter (Register 81, No. 51.)

§ 667. Warpage Test.

Lighting equipment with plastic lenses, reflectors or housings shall be subjected to warpage tests on separate samples as follows:

(a) Devices with a light source shall be mounted in normal operating position and operated at rated voltage in a circulating air cabinet for 1 h at 49 ± 2.8 °C (120 ± 5 °F). Each device shall be operated during the test in the same manner as it will be operated in service. A

cornering lap function shall be cycled 3 min on and 12 min off throughout the test.

(b) Reflex reflectors without a light source shall be mounted in normal position in a circulating air cabinet for 2 h at 74 + 0, - 2.8 °C (165 + 0, - 5 °F).

(c) At the conclusion of each test, there shall be no evidence of lens, reflector, or housing warpage that would affect the proper functioning of the device.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, and 26103, Vehicle Code.

§ 670. Scope.

This article applies to the aim of lighting equipment for which the aim is not specified in the Vehicle Code.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 671. General Lighting Equipment.

Lighting equipment other than that specified in the following sections of this article shall be aimed so the center of the beam produced by the major filament is parallel to the road and projects directly to the front, side, or rear, depending on mounting location. Adjustable warning lamps in movable spotlight type housings shall be aimed in the direction selected by the vehicle driver to provide adequate warning to other traffic.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 672. Aimable Roadlighting Devices.

Roadlighting devices with aiming adjustment features shall, when equipped with aiming pads and aimed mechanically, be set at 0-0 with a mechanical aimer meeting SAE J602c, December 1974. Roadlighting devices visually aimed, shall be aimed as specified in the following sections of this article on a vertical aiming screen at a distance of 7.6 m (25 ft) from the front of the lens surface or with an optical aimer meeting SAE J600a, March 1965, with the aiming line on the screen adjusted to the level of the surface upon which the vehicle stands. The lamps shall be aimed with only the driver in the vehicle, except that lamps on vehicles which normally carry a load should be aimed with the vehicle so loaded. Enforcement agencies that inspect vehicles may establish aiming tolerances to allow for variations in inspection procedures and in vehicle loading.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 673. Cornering Lamps.

Cornering lamps with means for adjusting the aim shall be aimed horizontally so the center of the high intensity portion of the beam is within 40 to 50 deg from the longitudinal axis of the vehicle toward the front. The vertical aim shall be with the center of the high intensity zone 25 to 35 cm (10 to 14 in.) below the level of the lamp center. Cornering lamps without aiming mechanisms shall be mounted in a fixed position on the vehicle in accordance with the manufacturer's instructions.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 674. Driving Lamps.

Driving lamps shall be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and 5 cm (2 in.) below the level of the lamp center.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 675. Fog Lamps.

Fog lamps shall be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and with the top edge of the beam 10 cm (4 in.) below the level of the lamp center.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 676. Headlamps, Single Filament.

Single-filament upper beam sealed beam headlamp units shall be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and 5 cm (2 in.) below the level of the lamp center.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 677. Headlamps, Double Filament.

Double-filament sealed beam headlamp units shall be aimed on low beam with the left edge of the high intensity zone on a vertical line straight ahead of the lamp center and with the top edge of the high intensity zone at the level of the lamp center.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 678. Motorcycle Headlamps.

Motorcycle headlamps shall be aimed on the upper beam as specified for single-filament units in Section 676, with the vehicle upright and the wheels facing straight ahead. As an alternative, motorcycle headlamps with a well-defined lower beam may be aimed on the lower beam as specified for double-filament units in Section 677, with the vehicle upright and the front wheel facing straight ahead.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 679. Motor-Driven Cycle Headlamps.

Motor-driven cycle headlamps shall be aimed with the vehicle upright and the front wheels facing straight ahead in accordance with the following requirements:

(a) Multiple Beam Headlamps. Multiple beam headlamps shall be aimed as specified for motorcycle headlamps.

(b) Single Beam Headlamps. Single beam headlamps shall be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and with the top edge of the high intensity zone at the level of the lamp center.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 680. Passing Lamps.

Passing lamps shall be aimed with the top edge of the high intensity zone at the level of the lamp center and with the left edge of the high intensity zone 13 cm (5 in.) to the left of a vertical line straight ahead of the lamp center.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 681. School Bus Sidelamps.

School bus sidelamps shall be aimed so the center of the high intensity portion of the beam is straight to the side of the bus and at the same height as the lamp center.

NOTE: Authority cited: Sections 25102.5 and 26103, Vehicle Code. Reference: Sections 24012, 25102.5, and 26103, Vehicle Code.

HISTORY

1. Editorial correction of NOTE (Register 81, No. 44).

§ 682. School Bus Warning Lamps.

School bus warning lamps shall be aimed to comply with the following requirements:

(a) Visual Aim. When aimed visually by means of an aiming screen or optical aiming machine, the lamps shall have the center of the high intensity zone on a vertical line straight ahead of the lamp center and on a horizontal line not higher than the level of the lamp center nor lower than 10 cm (4 in.) below this level.

(b) Mechanical Aim. When aimed with a mechanical aiming machine, warning lamps with three mechanical aiming pads on the lenses shall be between 0 and 4 down on the up and down scale and at 0 on the left and right scale of the aimer.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 7. Mounting Requirements**§ 685. Installation and Maintenance.**

Lighting equipment shall be securely mounted on a rigid part of the vehicle to prevent noticeable vibration of the beam and shall be maintained with the proper aim when the vehicle is stationary and in motion. No lighting device, unless otherwise permitted, shall be mounted so any portion of the vehicle, load, or vehicle equipment interferes with the distribution of light or decreases its intensity within the photometric test angles unless an additional device is installed so the combination of the two meets these requirements. Mounting heights shall be measured from the center of the lamp or reflector to the level surface upon which the vehicle stands when it is without load.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 686. Mounting of Aftermarket Devices.

Aftermarket lamps, with orientation markings such as "top" shall be mounted in accordance with the markings. Sealed and semisealed optical units shall be installed with the lettering on the lens face right side up. Front and rear reflex reflectors shall be securely mounted on a rigid part of the vehicle with the plane of the lens perpendicular to the roadway and parallel to the rear axle. Side reflex reflectors shall be mounted with the lens face perpendicular to the roadway and parallel to the rear wheels. Aftermarket devices with nonadjustable housings shall be mounted with the base on a horizontal or vertical surface, whichever is appropriate, unless different mounting instructions are included with such devices when offered for sale.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 687. Mounting of Original Equipment Devices.

Original equipment lamps and reflex reflectors designed for a particular make of vehicle and installed on another vehicle shall be mounted at the same angle as on the vehicle for which they were designed. They need not be mounted at the same height or lateral spacing as on the original vehicle but must comply with the appropriate height and location limitations in this title and the Vehicle Code.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 688. Clearance and Sidemarkers Lamps.

(a) Mounting. Clearance lamps, sidemarkers lamps, and combination clearance and sidemarkers lamps shall be mounted as specified in FMVSS 108, except for combination clearance and sidemarkers lamps on pole or pipe dollies or logging dollies which shall be mounted as required by Vehicle Code Section 25100.

(b) Exceptions. On vehicles manufactured prior to July 1, 1980, clearance lamps need not be visible at the inboard angles, and clearance and sidemarkers lamps need not comply with the mounting height requirements in FMVSS 108.

(c) Specialized Lamps. Specialized combination lamps designed to be mounted with the base at angles other than 0 deg, 45 deg, or 90 deg from the longitudinal axis of the vehicle shall be installed in accordance with the manufacturer's instructions.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 689. Cornering Lamps.

Cornering lamps shall be mounted on the front of the vehicle near the side or on the side near the front and not lower than 30 cm (12 in.) nor higher than 76 cm (30 in.).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 690. Deceleration Lamps.

Deceleration lamps shall be mounted on the rear of the vehicle on or adjacent to the centerline of the vehicle at a height not lower than 38 cm (15 in.).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 690.5. Driving Lamps.

Driving lamps shall be connected to the upper beam headlamp circuit so the beam changing switch will turn the lamps off when the headlamps are switched to low beam. A separate switch shall be provided to disconnect driving lamps when not in use.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 691. Fog Lamps.

Fog lamps shall be mounted so the inner edge of the lens retaining ring is no closer than 10 cm (4 in.), or as specified by FMVSS 108 in effect at the time of vehicle manufacture, to the optical center of the front turn signal lamp.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 24403 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 6–18–92; operative 7–20–92 (Register 92, No. 25).
2. Amendment filed 2–8–2008; operative 3–9–2008 (Register 2008, No. 6).

§ 692. Headlamps.

Headlamps shall be mounted as specified in FMVSS 108 and as follows:

(a) Spacing. Headlamp units installed after November 15, 1975, shall not be closer to the centerline of the vehicle than 30 cm (12 in.) measured from the center of the lens, except on motorcycles and motorized bicycles.

(b) Covers. No grille, transparent lens cover, or any other obstruction shall be in front of the headlamp lens on vehicles manufactured and first registered in California after January 1, 1968, except for headlamp concealment devices meeting FMVSS 112 that automatically move out of the way when the headlamps are turned on. Transparent lens covers are permitted in front of the headlamps of motorcycles originally equipped with such transparent covers, if the covers do not affect compliance of the headlamps with FMVSS 108.

(c) Aiming Obstructions. Headlamps on vehicles other than motorcycles shall be mounted so the plane of the aiming pads is not more than 24 cm (9.5 in.) behind the front of the vehicle for 146–mm (5 3/4–in.) headlamps and not more than 26 cm (10.2 in.) for all other headlamps in the area necessary for horizontal aiming with mechanical aiming machines. This requirement may be complied with by use of movable hood or grille components that can be opened without tools or removal of any part of the vehicle. This subsection does not apply to headlamps on authorized emergency vehicles operated by law enforcement agencies.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment of subsection (b) filed 10–15–91; operative 11–14–91 (Register 92, No. 6).

§ 693. Passing Lamps.

Passing lamps shall be mounted so the inner edge of the lens retaining ring is no closer than 10 cm (4 in.), or as specified by FMVSS 108 in effect at the time of vehicle manufacture, to the optical center of the front turn signal lamp. The lamps shall be connected to either or both the upper and lower headlamp beam circuits. A separate switch shall be provided to disconnect passing lamps not in use.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 2–8–2008; operative 3–9–2008 (Register 2008, No. 6).

§ 694. Running Lamps.

Running lamps shall be mounted with one lamp at each side on the front not lower than 38 cm (15 in.) nor higher than 107 cm (42 in.). Running lamps shall be connected to turn off automatically when the

headlamps are turned on. A separate switch shall be provided to turn off the running lamps any time their use is not desired during daytime.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 695. School Bus Sidelamps.

School bus sidelamps shall be installed as follows:

(a) Location. Two lamps shall be installed on each side, one toward the front and one toward the rear, with the front sidelamp as near as practicable to the front wheel. A third lamp may be installed near the center on buses 9.1 m (30 ft) or more in length.

(b) Spacing. Lamps on each side shall be as far apart as practicable and no closer together than 183 cm (72 in.).

(c) Height. All lamps on one side shall be at the same level, not lower than 61 cm (24 in.) nor higher than 107 cm (42 in.).

(d) Width. The lamps shall be installed so as not to exceed a total vehicle width of 2.44 m (96 in.). Installations that cause buses less than 2.03 m (80 in.) wide to equal or exceed 2.03 m (80 in.) will make necessary the installation of clearance and sidemarker lamps.

(e) Pilot Indicator. The system shall have an amber pilot indicator that is visible to the bus driver in his normal driving position and that is lighted when the sidelamps are lighted.

NOTE: Authority cited: Sections 25102.5 and 26103, Vehicle Code. Reference: Sections 24012, 25102.5, and 26103, Vehicle Code.

§ 695.5. School Bus Strobe Lamp.

School bus strobe lamps shall be installed as follows:

(a) Location. The lamp shall be installed on the rooftop at or behind the center of the roof and equidistant from each side.

(b) Height. The top of the light-generating element inside the lamp shall not extend above the rooftop more than 1/20th of its horizontal distance from the rear of the bus. For the purpose of this section, the rear of the bus is defined as the vertical plane in contact with the rear most portion of the body. If a bus is equipped with roof mounted school bus signs or other vertical obstructions, the light-generating element may extend above the level of the signs or obstructions not to exceed 1/20th of its distance from the rear of the bus. In no case shall strobe lamps be mounted so as to exceed the maximum height limits specified in Vehicle Code Section 35250.

(c) Mounting. The vertical axis of the lamp shall be installed perpendicular to the surface of the road.

(d) Switch and Pilot Indicator. The lamp shall be activated by a manual switch labeled with the word “strob lamp,” “strobe lamp,” “strobe light,” “strobe,” or some other readily understood term which clearly and unambiguously identified the strobe light function and distinguishes it from other warning lamps and devices with which the vehicle is equipped, and independent of all other switches. In addition, the system shall have a nonglaring amber or white pilot indicator that is clearly visible to the driver and that is lighted whenever the strobe lamp is lighted.

NOTE: Authority cited: Sections 25257.7 and 26103, Vehicle Code. Reference: Sections 24012, 25257.7 and 26103, Vehicle Code.

HISTORY

1. New section filed 3–8–91; operative 4–7–91 (Register 91, No. 15).
2. Editorial correction of NOTE (Register 91, No. 31).
3. Amendment of subsection (b) filed 9–16–94; operative 10–17–94 (Register 94, No. 37).
4. Amendment of subsection (d) filed 12–5–2000; operative 1–4–2001 (Register 2000, No. 49).

§ 696. School Bus Warning Lamps.

(a) Number of Lamps and Required Locations. Four warning lamps are required on each school bus. Two alternately flashing lamps shall be rigidly mounted on the front, one at each side, at the same height above the top of the windshield; and two alternately flashing lamps shall be rigidly mounted on the rear, one at each side, at the same height, with the bottom edge of each lens not lower than the top line of the side window openings. A panel shall be installed to serve as a background for warning lamps that extend above the top of a school bus.

(b) Operating Switches. School bus warning lamp switches operated manually by the driver shall be located within easy reach of the driver's position.

(c) Pilot Indicator. A bright visible flashing signal not less than 12.7 mm (0.5 in.) in diameter shall be included in the circuit to give a clear and unmistakable indication to the driver when the warning signals are turned on. The indicator shall not be obscured from the driver's view by any part of the vehicle.

(d) Spacing and Visibility. Front and rear warning lamps shall be spaced as far apart laterally as is practicable, and in no case shall the distance between lamps be less than 100 cm (39 in.). Visibility of front and rear warning lamps shall be unobstructed by any part of the vehicle from 5 deg above to 10 deg below horizontal and from 30 deg to the right to 30 deg to the left of the center line of the lamps.

(e) Warning Lamp Installation Dates. Warning lamps installed on school buses after 1965 shall be red Class C warning lamps. Those installed before 1966 and meeting requirements in effect at time of installation may continue to be used on the school buses on which they were installed.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 25257 and 26103, Vehicle Code.

HISTORY

1. Repealer of subsection (f) filed 4-2-81; effective thirtieth day thereafter (Register 81, No. 14).
2. Amendment of subsection (b) and NOTE filed 9-6-95; operative 10-6-95 (Register 95, No. 36).

§ 697. Side-Mounted Turn Signal Lamps.

Side-mounted turn signal lamps permitted by Section 24953(b) of the Vehicle Code and defined by Section 791 of this title shall be mounted on either or both sides of the vehicle not lower than 50 cm (20 in.) nor higher than 183 cm (72 in.) with the lens facing the side and projecting beyond the body of the vehicle.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 24953 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 4-5-83; effective thirtieth day thereafter (Register 83, No. 15).

§ 698. Supplemental Signal Lamps.

(a) Supplemental combination stop and turn signal lamps permitted by Section 24603(g) of the Vehicle Code and supplemental rear turn signal lamps permitted by Section 24953(c) of the Vehicle Code and defined by Section 791 of this title shall be mounted near either or both sides of the vehicle facing the rear.

(b) Supplemental stop lamps shall be mounted near the side of the vehicle or on or near the vertical centerline of the vehicle.

(c) When more than one lamp is mounted on the rear of the vehicle, the lamps shall be at the same height and equally spaced from the vertical centerline of the vehicle.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 24603, 24953 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 4-5-83; effective thirtieth day thereafter (Register 83, No. 15).

§ 699. Turn Signal Lamps.

Turn signal lamps shall be mounted and operated as follows:

(a) Motor Vehicles. Turn signal systems on motor vehicles shall consist of at least two single-faced or double-faced turn signal lamps on or near the front and at least two single-faced turn signal lamps on the rear. Double-faced turn signal lamps shall be mounted ahead of the center of the steering wheel or the center of the outside rearview mirror, whichever is rearmost. A truck-tractor or a truck chassis without body or load may be equipped with one double-faced turn signal lamp on each side in lieu of the four separate lamps otherwise required on a motor vehicle. Front and rear turn signal lamps on motorcycles shall be at least 23 cm (9 in.) apart, except that front turn signals on motorcycles manufactured after January 1, 1973, shall be

at least 40 cm (16 in.) apart. Turn signal lamps on other vehicles shall be spaced as far apart as practical. The optical axis of the front turn signal lamp shall be at least 10 cm (4 in.), or as specified by FMVSS 108 in effect at the time of vehicle manufacture, from the inside diameter of the retaining ring of the lower beam headlamp unit, fog lamp unit or passing lamp unit. Additional turn signal lamps may be mounted closer than the 10 cm (4 in.) dimension provided the primary lamps equal or exceed that distance. Original equipment turn signals that emit two and one-half times the minimum candela requirements may be closer.

(b) Towed Vehicles. The rearmost vehicle in a combination of vehicles shall be equipped with at least two single-faced turn signal lamps on the rear. The signal system on a combination of vehicles towed by a motor vehicle equipped with double-faced front turn signal lamps may be connected so only the double-faced turn signal lamps on the towing vehicle and the signal lamps on the rear of the rearmost vehicle are operative. Towed vehicles not required to be equipped with turn signals by Vehicle Code Section 24951(b) shall be equipped with rear turn signal lamps when turn signal lamps are required or used in lieu of hand and arm signals under Vehicle Code Section 22110. Such lamps are not required on the following vehicles when the rear signal lamps on the preceding vehicle in the combination can be seen by a following driver from straight to the rear of the lamp to 45 deg outboard:

- Vehicles with a gross weight of less than 2722 kg (6,000 lb)
- Special mobile equipment
- Pole and pipe dollies
- Logging dollies
- Auxiliary dollies

(c) Operation. Turn signal lamps visible to approaching or following drivers shall flash in unison, except that a turn signal consisting of two or more units mounted horizontally may flash in sequence from inboard to outboard. The lamps may be either extinguished simultaneously or lighted simultaneously. Turn signal lamps shall flash at a rate of 60 to 120 flashes per minute.

(d) Pilot Indicator. An effective visual signal operating at the same rate as the turn signal flasher shall be incorporated in the circuit to give clear and unmistakable indication to the driver that the turn signal lamps are turned on. Failure of one or more turn signals to operate shall be indicated by a steady-on, steady-off, or significant change in the flashing rate of the illuminated indicator, except on combinations of vehicles using a variable load flasher.

(e) Visibility. Lamps shall be mounted so the signal light from at least one lamp on each side is visible from directly to the front or rear within a 45-deg outboard angle on its side of the vehicle. Within these angles, no part of the vehicle or load shall obstruct the lamp from the view of another driver. On combinations of vehicles, rear turn signal lamps on other than the rearmost vehicle shall be mounted so that at least one lamp at each side is not obstructed by any towed vehicle within angles of 10 to 45 deg on its side of the vehicle.

(f) Mounting Height. Required turn signal lamps shall be mounted at a height not less than 38 cm (15 in.) nor higher than 2.1 m (83 in.). A turn signal function may be combined in the high mounted stoplamps permitted on tow trucks by Vehicle Code Section 24603. NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment of subsection (a) filed 2-8-2008; operative 3-9-2008 (Register 2008, No. 6).

§ 700. Warning Lamps.

Required front warning lamps other than school bus warning lamps, shall be mounted so the entire projected area of the lens is visible from all eye heights of drivers of other vehicles at angles within 45 deg left to 45 deg right of the front of the vehicle. If the light within these required angles is blocked by the vehicle or any substantial object on it, an additional warning lamp shall be displayed within the obstructed angle. Warning lamps may be mounted at any height.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 8. Advance Stoplamp Switches

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 24603 and 26103, Vehicle Code.

HISTORY

1. Repealer of Article 8 (Sections 705–707) filed 6–7–85; effective thirtieth day thereafter (Register 85, No. 23). For prior history, see Register 84, No. 2.

Article 9. Auxiliary Driving, Fog, and Passing Lamps

§ 710. Scope.

This article applies to driving lamps, fog lamps, and passing lamps permitted by Vehicle Code Sections 24402 and 24403.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

§ 711. Mechanical Test Requirements.

Auxiliary lamps shall meet the following mechanical test requirements:

(a) Housings for Sealed or Semisealed Optical Units. Housings for sealed or semisealed optical units shall comply with the following tests described in Article 5 of this subchapter when an optical unit of the type for which the housing is designed is installed in the device:

- Aiming adjustment
- Corrosion
- Lens recession
- Vibration
- Warpage (when plastic housings are used)

(b) Complete Assemblies. Assemblies consisting of a housing with a nonsealed unit or separable bulb, lens, or reflector shall comply with the following tests described in Article 5 of this subchapter:

- Aiming adjustment
- Corrosion
- Dust
- Lens recession
- Moisture
- Vibration
- Warpage (when plastic lenses or housings are used)

(c) Sealed or Semisealed Optical Units. Sealed or semisealed optical units shall comply with the following tests described in Article 5 of this subchapter:

- Corrosion (when metal reflector backs or replaceable bulbs are used)
- Vibration (when filament shields or replaceable bulbs are used)
- Warpage (when plastic lenses or reflectors are used)

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 712. Photometric Test Requirements.

Photometric tests shall be made with the filament in the design position. For unsealed and semisealed driving and passing lamps, tests shall also be made in the out-of-focus positions listed in Section 654 of this title. The luminous intensity of a single lamp tested as specified in Article 4 of this subchapter shall be as follows with a reaim tolerance of 0.25 deg allowed at any test point:

(a) Driving Lamps. Driving lamps shall meet the photometric requirements in Table I when the lamps are aimed as specified in Article 6 of this subchapter.

TABLE I. PHOTOMETRIC REQUIREMENTS FOR DRIVING LAMPS

Test point coordinates		Cd	
Vertical	Horizontal	Max	Min
3U	3L–3R	5,000	—
2U	3L–3R	8,000	—
IU	3L–3R	25,000	—
H	V	50,000	20,000
H	3L–3R	—	10,000
1D	6L–6R	—	3,700
2D	6L–6R	—	2,000

(b) Fog Lamps. Fog lamps shall meet the photometric requirements in SAE J583d, July 1977, SAE J583, JUN93, or SAE J583, APR2001.

(c) Passing Lamps. Passing lamps shall meet the photometric requirements in SAE J582a, January 1973.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment of first paragraph and subsection (b) filed 6–12–95; operative 7–12–95 (Register 95, No. 24).
2. Amendment of subsection (b) filed 7–16–2004; operative 8–15–2004 (Register 2004, No. 29).

§ 713. Beam Aimability Requirements.

Driving, fog, and passing lamps shall be centered on a goniometer, operated at design voltage, and aimed in a dark room on a perpendicular screen 7.5 m (25 ft) from the lamp. The goniometer shall be adjusted until the observer considers the visual aim on the screen to be correct in accordance with Sections 674, 675, or 680 of this title. Each of three experienced observers shall aim the lamp at least three times and each observer's goniometer settings shall be individually averaged. The deviation of each observer's averaged reading from that of any other observer shall not be more than 0.2 deg in the vertical direction and 0.4 deg in the horizontal direction.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 10. Cornering Lamps

§ 720. Scope.

This article applies to cornering lamps permitted by Vehicle Code Section 25107.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103, and 26104, Vehicle Code.

§ 721. Mechanical Test Requirements.

Cornering lamps shall meet the following mechanical test requirements in Article 5 of this subchapter:

- Corrosion
- Dust
- Moisture
- Vibration
- Warpage (for plastic lenses and housings)

None of the above tests are required on all-glass sealed optical units, and the dust and moisture tests are not required on housings for all-glass units.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 722. Photometric Test Requirements.

Cornering lamps shall meet the photometric requirements in SAE J852b, February 1965, when tested as specified in Article 4 of this subchapter.

NOTE: Authority cited: Section 26103 Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 11. Deceleration Signal Lamp Systems

§ 730. Scope.

This article applies to deceleration signal lamp systems permitted by Vehicle Code Section 25251.5.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

§ 731. Operating Requirements.

Deceleration signal systems shall meet the following operating requirements:

(a) Function. The system shall operate so as to indicate a component of deceleration of the vehicle on which it is installed by varying the flashing rate of a yellow lamp when the service brakes are applied.

(b) Reduced Nighttime Brightness. The system shall incorporate an automatic means for reducing the intensity of the lamp during darkness. The system shall cause the voltage to the deceleration lamps to decrease to $5.0\text{ V} \pm 10\%$ at 0 g deceleration during darkness. The specified voltage shall be reached when the illumination on the sensor is not more than 53.8 lm/m^2 (5 lm/ft^2) nor less than 5.4 lm/m^2 (0.5 lm/ft^2).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 12. Fog Taillamps

§ 740. Scope.

This article applies to fog taillamps permitted by Vehicle Code Section 24602.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

§ 741. General Requirements.

Fog taillamps shall not be optically combined with any lighting function other than a tail lamp or reflex reflector. The projected luminous lens area in the H-V direction shall not exceed 140 cm^2 (21.7 in.^2).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 742. Mechanical Test Requirements.

Fog taillamps shall meet the following mechanical test requirements in Article 5 of this subchapter:

- Corrosion
- Dust
- Moisture
- Vibration

Warpage (for plastic lenses or housings).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 14. Reflex Reflectors on Front of Vehicles

§ 760. Scope.

This article applies to reflex reflectors permitted on the front of vehicles by Vehicle Code Section 24609 and not governed by FMVSS 108.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

§ 761. Definitions.

(a) "Area reflectorizing material," referred to in Vehicle Code Section 25500, is nonrigid retroreflecting sheeting or tape that may be affixed to a vehicle by means of an adhesive backing.

(b) A "reflector" or "reflex reflector" is a rigid device that returns light from various angles of incidence in a direction close to that at which it is incident and which may be affixed to a vehicle by adhesive or mechanical means.

NOTE: Authority and reference cited: Section 26103, Vehicle Code.

§ 762. Test Requirements.

Front reflex reflectors shall meet the reflex reflector requirements of FMVSS 108, except that white reflectors shall meet the photometric requirements in SAE J594e, March 1970.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 12-17-81; effective thirtieth day thereafter (Register 81, No. 51).

Article 15. Replacement Lenses

§ 765. Scope.

This article applies to replacement lenses for lighting equipment subject to requirements established by the department, including replacement lenses manufactured solely for installation by private individuals on lighting equipment regulated by FMVSS 108.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

§ 766. Definition.

A "replacement lens" is a lens manufactured by a firm other than the manufacturer of the original lens for a lighting device.

NOTE: Authority and reference cited: Section 26103, Vehicle Code.

§ 767. Mechanical Test Requirements.

Replacement lenses, when installed in the appropriate housings, shall meet the following mechanical test requirements in Article 5 of this subchapter:

- Dust
- Moisture
- Vibration

Warpage (for plastic lenses of devices not governed by FMVSS 108)

If lenses are supplied with gaskets, seals, or miscellaneous parts, lamps shall be assembled and tested with those parts. If lenses are not supplied with additional parts, the tests shall be conducted with the type used with the original housing model.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 768. Photometric Test Requirements.

Replacement lenses shall be tested in a sample lamp housing of the latest model for which they were designed and shall meet the photometric requirements for each function performed that were in effect at the time the latest lamp was last manufactured.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 769. Installation Instructions.

Instructions listing the original lamps or year and model of the vehicles on which replacement lenses are designed to be installed shall be included with the lens, printed on the box containing the lens, or listed in a readily available catalog at the place the lens is sold or offered for sale.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24006, 24012 and 26103, Vehicle Code.

Article 16. Reserve Lighting and Outage Indicating Systems

§ 770. Scope.

This article applies to reserve lighting and outage indicating systems on vehicles for regulating the light sources of lamps. Lamp monitoring systems which do not compensate for failure of the required lighting equipment are not within the scope of this regulation.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

§ 771. Definition.

A "reserve lighting and outage indicating system" is a system that indicates partial or total failure of the lighting equipment on a vehicle and automatically compensates for such failure by energizing inactive lamp filaments to substitute for the required function until repairs can be made.

NOTE: Authority and reference cited: Section 26103, Vehicle Code.

§ 772. General Requirements.

(a) Operating Unit. The operating unit may consist of individual circuits to operate only the headlamps or only the taillamps. If the operating unit combines both circuits, it shall have independent headlamp and rear lamp circuits so that failure in one circuit will not affect the other circuit.

(b) Outage Indicators. Outage shall be indicated by two separate lamps, one each for the headlamp and the rear lighting circuits. Required visual indicators may be supplemented by audible indicators. Each required indicator shall consist of a lamp with an illuminated area not less than that of a circle with a 4.8-mm (0.19-in.) diameter, and each indicator shall give a clear and unmistakable signal to the driver as follows:

(1) Headlamp Circuits. One white lamp shall indicate outage in the upper or the lower beam headlamp circuit, whichever is in use.

(2) Rear Lamp Circuits. One red lamp shall indicate outage in the taillamp circuit or failure of the stoplamp fuse or switch. For multicompartiment or multiple rear lamps, only the outboard sections or lamps need an outage indicator.

(c) Wiring Connectors. The device shall have wiring connectors to make all necessary electrical connections between the device and the vehicle lighting system by plug-in means at existing plug-in terminal junctions. For vehicles not equipped with plug-in terminal junctions, a plug-in terminal shall be installed to make all necessary connections to the vehicle lighting system.

(d) Fail-Safe Operation. Failure of the device shall not result in failure of the normal lighting system.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 773. Operating Requirements.

(a) Normal Operation. When headlamps are operating normally, the headlamp outage indicator shall operate at not less than 10% nor more than 20% of the normal voltage used to indicate an outage. When taillamps are operating normally, the rear lamp outage indicator shall operate only when the foot brake is applied.

(b) Circuit Failure. When lamps are turned on, the outage system shall respond to circuit failure by continuing the normal display of any unfailed lamp, energizing the appropriate inactive lamp filaments, and indicating the failure to the driver. A "headlamp circuit failure" exists when one-half or more of the upper or lower beam filaments have failed. A "taillamp circuit failure" exists when one-half or more of the taillamp filaments have failed. A "stoplamp circuit failure" exists when the stoplamp switch or fuse fails.

(c) Headlamp Outage. Failure in the lower beam headlamp as defined in preceding subsection (b) shall cause the outage system to activate the upper beam circuit at a decreased voltage. Failure in the upper beam headlamp shall cause the outage system to activate the lower beam circuit at a decreased voltage. Such failure in lower or upper headlamp beam shall be indicated by the continuous steady-on or flashing of the headlamp circuit outage indicator.

(d) Taillamp Outage. Failure of the taillamp circuit shall cause the outage system to activate the stoplamp circuit at a decreased voltage. Such failure shall be indicated by the continuous steady-on or flashing of the rear lighting outage indicator at not more than one-third of its normal brilliancy.

(e) Stoplamp Outage. Normal activation of the stoplamp circuit shall operate the rear lighting indicator at normal brilliancy during application of the service brake. Failure of the stoplamp filament, switch, or fuse shall cause loss of this indication.

(f) Alternate Circuit. Reserve lamps in the alternate circuit shall be capable of automatically performing the design function as well as compensating for the outage.

(g) Operating Unit Voltage Drop. Voltage drops across headlamp and rear lamp sections of the operating unit shall not exceed the

following values for each normally operating function when the lamps are operated at design voltage:

- 0.40 V for two lamps
- 0.45 V for three lamps
- 0.50 V for four lamps
- 0.60 V for six lamps or more

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 774. Voltage Requirements for Alternate Circuits.

When the alternate circuit lamps are connected and the design voltage is applied to the input terminals of the device, voltages at output terminals shall be as follows:

(a) Headlamps—Lower Beam Outage Compensated by Upper Beam. Voltage to the upper beam filaments as reserve lower beam headlamps when one-half or more of the lower beam filaments fail shall be not more than 50% nor less than 40% of the design voltage of the upper beam filament.

(b) Headlamps—Upper Beam Outage Compensated by Lower Beam. Voltage to the lower beam filaments as reserve upper beam headlamps when one-half or more of the upper beam filaments fail shall be not less than 75% of the design voltage of the lower beam filament.

(c) Taillamps—Outage Compensated by Stoplamps. Voltage to the stoplamp filaments as reserve taillamps shall be not more than 50% nor less than 40% of the design voltage of the stoplamp filament.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 775. Vibration Test Requirements.

Sensing and control units shall meet the following vibration test requirements under 5 g constant acceleration:

(a) The device shall be mounted in design position and vibrated for 30 min in each of three directions: vertical, horizontal and normal to the vehicle, and horizontal and parallel to the vehicle axis.

(b) The vibration frequency shall be varied from 30 to 200 to 30 Hz over a period of approximately 1 min.

(c) The device shall be operated with all lamps at design voltage during the vibration test.

(d) At the conclusion of the test, the system shall meet all the requirements of Sections 773 and 774.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 776. Temperature Test Requirements.

Sensing and control units shall be mounted in their normal operating positions in a circulating air cabinet for 1 h at an ambient temperature of $74 \pm 0, -2.8^\circ \text{C}$ ($165 \pm 0, -5^\circ \text{F}$). After the temperature conditioning, the system shall meet all the requirements of Sections 773 and 774 over a temperature range of -34 to $+38^\circ \text{C}$ (-30 to $+100^\circ \text{F}$).

NOTE: Authority cited: Section 26103 Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 777. Installation Requirements.

Reserve lighting and outage indicating systems shall meet the following installation requirements:

(a) Outage Indicator Location. Outage indicator lamps shall be mounted where they are clearly visible to the driver.

(b) Connection to Vehicle Lighting System. After market installation and connection of the device to the vehicle lighting system shall be as follows:

(1) Headlamp Section. The headlamp section shall be connected into the headlamp upper and lower beam circuits at the beam changing switch.

(2) Rear Lighting Section. The taillamp element of the rear lighting section shall be series-connected in the taillamp circuit between the switch and the lamps, and the stoplamp element shall be series-connected in the stoplamp circuit immediately following the stoplamp switch.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 17. Running Lamps

§ 780. Scope.

This article applies to running lamps permitted by Vehicle Code Section 25100.

Running lamps may meet either the requirements of this article or Federal Motor Vehicle Safety Standard 108 effective February 10, 1993.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24102, 26103 and 26104, Vehicle Code.

HISTORY

1. Change without regulatory effect amending section filed 9–9–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 37).

§ 781. Minimum Size.

Running lamps shall have an effective projected luminous area of at least 78 cm² (12 in. 2).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 782. Mechanical Test Requirements.

Running lamps shall meet the following mechanical test requirements:

(a) Housings for Sealed and Semisealed Optical Units. Housings for sealed or semisealed optical units shall comply with the following tests described in Article 5 of this subchapter:

- Corrosion
- Vibration
- Warpage (when plastic housings are used)

(b) Complete Assemblies. Assemblies consisting of a housing with a nonsealed unit or separable bulb, lens, or reflector shall comply with the following tests described in Article 5 of this subchapter:

- Corrosion
- Dust
- Moisture
- Vibration
- Warpage (when plastic lenses or housings are used)

(c) Sealed or Semisealed Optical Units. Sealed or semisealed optical units shall comply with the following tests described in Article 5 of this subchapter:

- Corrosion (when metal reflector backs or replaceable bulbs are used)
- Vibration (when filament shields or replaceable bulbs are used)
- Warpage (when plastic lenses or reflectors are used)

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

Article 18. School Bus Sidelamps

§ 785. Scope.

This article applies to lamps permitted on the sides of school buses by Vehicle Code Section 25102.5.

NOTE: Authority cited: Sections 25102.5 and 26103, Vehicle Code. Reference: Sections 24012, 25102.5, 26103 and 26104, Vehicle Code.

§ 786. General Requirements.

School bus sidelamps shall be any of the following types of devices meeting their respective requirements in FMVSS 108 or this title. Housings shall meet the requirements for headlamp, driving lamp, or passing lamp housings, and optical units shall be of the following types:

(a) Single- or double-filament sealed beam headlamp unit with the words “Sealed Beam” molded on the face of the lens. Double-filament units shall have both beams burning.

(b) Sealed driving lamp unit

(c) Sealed passing lamp unit

NOTE: Authority cited: Sections 25102.5, and 26103, Vehicle Code. Reference: Sections 24012, 25102.5 and 26103, Vehicle Code.

Article 19. Side-Mounted and Supplemental Signal Lamps

§ 790. Scope.

This article applies to supplemental turn signal lamps, supplemental stop lamps, and side-mounted turn signal lamps governed by Vehicle Code Sections 24603 and 24953.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

HISTORY

1. Amendment filed 4–5–83; effective thirtieth day thereafter (Register 83, No. 15).

§ 791. Definitions.

(a) Side-Mounted Turn Signal Lamp. A “side-mounted turn signal lamp” is a lighting device designed to be used in addition to the required turn signals to give a flashing signal on the side toward which the driver intends to turn or move.

(b) Supplemental Stoplamp. A “supplemental stoplamp” is a lamp that operates simultaneously with and in addition to the required stoplamp.

(c) Supplemental Rear Turn Signal Lamp. A “supplemental rear turn signal lamp” is a lamp that operates simultaneously with, on the same side as, and in addition to a required rear turn signal lamp.

NOTE: Authority and reference cited: Section 26103, Vehicle Code.

HISTORY

1. Amendment filed 4–5–83; effective thirtieth day thereafter (Register 83, No. 15).
2. Amendment filed 1–8–2001; operative 2–7–2001 (Register 2001, No. 2).

§ 792. General Requirements.

(a) Combination Lamp Requirements. Side mounted and supplemental turn signal lamps may be combined with sidemarker lamps if the requirements for each lamp are met.

(b) Use of Alternative Lamp Requirements. Notwithstanding Section 794 of this title, lamps meeting the requirements for stop or turn signal lamps may be used as supplemental stop lamps or supplemental turn signal lamps.

(c) Simultaneous Flash Requirements. If side-mounted turn signal lamps flash when the hazard warning switch is activated, all such lamps shall flash simultaneously with the rear turn signal lamps. On vehicles equipped with sequential turn signal lamps, side-mounted turn signal lamps shall flash simultaneously with the front turn signal lamps.

(d) Grandfathered Lighting Requirements. Side-mounted turn signal lamps installed before January 1, 1967, may be yellow turn signal lamps or yellow combination clearance and sidemarker lamps.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 24603, 24953 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 4–5–83; effective thirtieth day thereafter (Register 83, No. 15).
2. Repealer and new subsection (a), repealer of subsection (c) and subsection relettering filed 6–23–92; operative 7–23–92 (Register 92, No. 26).
3. Amendment filed 1–8–2001; operative 2–7–2001 (Register 2001, No. 2).

§ 793. Mechanical Test Requirements.

Side-mounted turn signal lamps and supplemental stop or turn signal lamps shall meet the following mechanical test requirements in Article 5 of this chapter:

- (a) Corrosion
- (b) Dust
- (c) Moisture
- (d) Vibration
- (e) Warpage (for plastic lenses and housings).

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

HISTORY

1. Amendment filed 1–8–2001; operative 2–7–2001 (Register 2001, No. 2).

§ 794. Photometric Test Requirements.

Side-mounted turn signal lamps and supplemental stop or turn signal lamps shall meet the following photometric requirements when tested as specified in Article 4 of this chapter:

(a) Standards for Side-Mounted Turn Signal Lamps. Side-mounted turn signal lamps shall meet one or more of the following standards, as appropriate for the vehicle on which they are to be installed:

- (1) SAE J914b, July 1978, Table 1 for vehicles 80 inches (2.03 m) or more in width, regardless of length; or
- (2) SAE J914b, July 1978, Table 2 for vehicles narrower than 80 inches (2.03 m) in width, regardless of length; or
- (3) SAE J914 NOV87, Table 1; or
- (4) SAE J914 JAN95, Table 1; or
- (5) SAE J914 JUL2003, Table 1; or
- (6) SAE J2039 JUN94, Table 1; or
- (7) SAE J2039 MAY2001, Table 1.

(b) Standards for Supplemental Stop or Turn Signal Lamps: Supplemental stop or turn signal lamps shall meet the following standard: SAE J186a, September 1977, Table 1.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 26103 and 26104, Vehicle Code.

HISTORY

1. Amendment filed 4–5–83; effective thirtieth day thereafter (Register 83, No. 15).
2. Repealer and new subsection (a) and amendment of NOTE filed 10–23–95; operative 11–22–95 (Register 95, No. 43).
3. Amendment filed 1–8–2001; operative 2–7–2001 (Register 2001, No. 2).
4. New subsection (a)(5), subsection renumbering, amendment of newly designated subsection (a)(6) and new subsection (a)(7) filed 8–7–2007; operative 9–6–2007 (Register 2007, No. 32).

Article 20. Traffic Signal Priority Devices

NOTE: Authority and reference cited: Section 25352, Vehicle Code.

HISTORY

1. Repealer of Article 20 (Sections 795–797) filed 12–17–81; effective thirtieth day thereafter (Register 81, No. 51).

Article 21. Warning Lamp Flashers**§ 800. Scope.**

This article applies to flashers for warning lamps on emergency vehicles and special hazard vehicles.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

§ 801. Performance and Durability Requirements.

Warning lamp flashers shall be designed to conform to SAE J1054, January 1977, except that the sum of the percent current on times of Section 5.3 shall not apply to nonalternating flashers. The tests shall be made at the ampere load specified by the flasher manufacturer for the advertised quantity and type of bulbs and other loads for the device.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 802. Thermally Operated Flashers.

Thermally operated flashers shall be tested for compliance with the performance and durability requirements using the procedures in SAE J1104, January 1977, on a sample of the size specified in J1104 obtained at random.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 803. Nonthermally Operated Flashers.

Nonthermally operated flashers shall be tested for compliance with the performance and durability requirements using two random flashers for the performance test requirements and two other random flashers for the durability test. Should two failures for performance or two failures for durability tests occur, the flashers shall be considered

as not meeting the requirements. Should one failure occur for performance test or one failure occur for durability test, an additional 2 flashers for the performance or for the durability test shall be selected at random and subjected to the corresponding tests. If no further failures of the additional flashers occur, the flasher shall be considered to be in compliance with the requirements.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 804. Variable Load Flashers.

Variable load flashers shall comply with starting time, flash rate, and percent of current on time requirements both with the minimum and maximum design loads connected and shall comply with voltage drop and durability requirements with only the maximum design load connected.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

Article 22. Warning Lamps**§ 810. Scope.**

This article applies to warning lamps for emergency vehicles and special hazard vehicles governed by Vehicle Code Sections 25252 through 25282.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012, 26103 and 26104, Vehicle Code.

HISTORY

1. Amendment filed 11–25–2002; operative 12–25–2002 (Register 2002, No. 48).

§ 811. Definitions.

(a) Warning Lamp — A “warning lamp” is a lamp designed for use on authorized emergency vehicles and prescribed types of special hazard vehicles to indicate the existence of a traffic hazard or to signal other drivers to stop or yield the right of way.

(b) Warning Lamp Assembly — A “warning lamp assembly” is a device that consists of a housing with one or more light sources and any lenses, reflectors and any other components or devices necessary to provide the required level of performance.

(c) Warning Lamp Housing — A “warning lamp housing” is a device that holds a warning lamp unit or the light source(s), lens(es), reflector(s) and other components of a warning lamp assembly.

(d) Warning Lamp Unit — A “warning lamp unit” is a sealed or semisealed optical unit designed to meet the dimensional specifications of SAE J571d, June 1976, SAE J572a, January 1972, or SAE J760a, December 1974, and which meets the color and photometric requirements.

(e) Flashing Lamp — A “flashing lamp” is a lamp in which the emitted light in a particular direction alternates between on and off either electrically by controlling the current or mechanically by a revolving, oscillating, or other mechanism, or by other means such that the light output in a given direction is discernibly and regularly interrupted or intermittent at the required periodic rate.

(f) Steady-burning Lamp — A “steady burning lamp” is a lamp in which the emitted light in any direction is uninterrupted.

(g) Light Source — A “light source” is an individual incandescent bulb, light emitting diode, arc discharge bulb or other device that produces visible light whenever appropriate electrical energy is supplied to it.

(h) Light Pulse — A single, visually continuous emission of optical energy. High frequency modulation is permitted (reprinted with permission from SAE J595 [January 2005] © 2005 SAE International).

(i) Flash — A flash is a light pulse, or a train of light pulses, where a dark interval of at least 160ms separates the light pulse or the last pulse of the train of light pulses from the next pulse or the first pulse of the next train of light pulses. To be considered a train of light pulses, each pulse in the train must begin within 100ms after the end of the preceding light pulse. Dark interval luminous intensity shall not

exceed two percent of the maximum luminous intensity of a flash (reprinted with permission from SAE J595 [January 2005] © 2005 SAE International).

(j) On-time — Summation of the light pulse(s) within a flash.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Section 26103, Vehicle Code.

HISTORY

1. Amendment filed 11–25–2002; operative 12–25–2002 (Register 2002, No. 48).
2. New subsections (h)–(j) filed 10–17–2007; operative 11–16–2007 (Register 2007, No. 42).

§ 812. Classification of Warning Lamps.

Five classes of warning lamps are established as follows:

Class A: High intensity, concentrated-beam lamp

Class B: Moderate intensity, wide-beam lamp

Class C: High intensity, wide-beam lamp

Class D: Motorcycle front warning lamp

Class E: Revolving, oscillating, or gaseous discharge lamp

NOTE: Authority and reference cited: Section 26103, Vehicle Code.

§ 813. General Requirements.

(a) Flash Rate. Flashing warning lamps, other than gaseous discharge lamps, shall operate at a rate of 60 to 120 flashes per minute, with a 40 to 60 percent on-time under all operating conditions. The time between the end of one flash and the beginning of the following flash for a gaseous discharge lamp shall not exceed 0.85 seconds, which corresponds to a minimum of 70 flashes per minute. Flashes having a light output less than the required minimum shall not be counted in reporting flash rate. Light pulses having a light output less than the required minimum shall not be included in the on-time.

(b) Voltage. Warning lamps manufactured for more than one voltage shall comply with all requirements of this title when tested at each voltage. Warning lamps designed to operate on a rated voltage of 12 volts shall be tested at 12.8 volts. Warning lamps designed to operate on a rated voltage of 24 volts shall be tested at 25.6 volts. Warning lamps designed to operate on a rated voltage of other than 12 or 24 volts shall be tested at a voltage equivalent to the voltage provided by the vehicle storage battery charged to 100% capacity with no current drain.

(c) Exterior Lens Surface. The outside surface of the illuminated section of the lens shall be smooth with no ribs, ridges, or indentations other than marks of identification, screw holes, and aiming pads.

(d) Double-Faced Lamps. Steady burning double-faced lamps shall have opaque dividers to minimize exterior light shining through the lamp.

(e) Multiple Light Source Lamps. Lamps with two or more individual light sources shall have all light sources operating together when the lamp is steady burning or flashing.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 11–25–2002; operative 12–25–2002 (Register 2002, No. 48).
2. Amendment of subsection (a) filed 10–17–2007; operative 11–16–2007 (Register 2007, No. 42).

§ 814. Mechanical Test Requirements.

Warning lamps shall comply with the following mechanical tests described in Article 5 of this subchapter:

Corrosion

Dust

Lens recession

Vibration

Warpage (when plastic lenses or housings are used)

None of the above tests are required on all-glass sealed warning lamp units, and the dust and moisture tests are not required on housings for all-glass units.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 815. Temperature and Durability Test Requirements.

Flashing warning lamps shall meet the following additional requirements, with all tests conducted on the same sample in the order shown:

(a) High Temperature Test. The sample shall be mounted in normal operating position in a circulating air cabinet for 6 hours at 49 ± 3 degrees C (120 ± 5 degrees F). The device shall be off during the first hour and shall operate continuously for the next 5 hours with the required voltage applied at the device terminals.

(b) Low Temperature Test. The sample shall be mounted in normal operating position in a circulating air cabinet for 6 hours at -32 ± 3 degrees C (-25 ± 5 degrees F). The device shall be turned on at the end of the sixth hour and operated for 3 minutes with the required test voltage applied at the device terminals before measuring the flash rate.

(c) Durability Test. The sample shall be operated continuously for 200 hours at room temperature in cycles consisting of 50 minutes on and 10 minutes off at the required test voltage.

(d) Required Performance. The device shall operate satisfactorily during the tests specified in preceding subdivisions (a), (b), and (c) with no evidence of malfunction. The flash rate shall remain within the required rate for the type of lamp except that the flash rate for lamps used in the low temperature test shall not be less than 50 flashes per minute. The voltage at the terminals of the warning lamp assembly shall be not more than 0.50 volt below the input terminal voltage of 12.8 volts for 12 volt units and not more than 1.0 volt below the required input terminal voltage for lamps intended to operate at 24 volts or more with the device operating. Measurements for the low temperature test shall be made 3 minutes after the beginning of the last hour of operation and at the end of the test. Measurements for the high temperature test shall be made at the end of the test. Measurements for the durability test shall be made at 100 hours and at the end of the test.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment of subsections (b) and (d) filed 12–17–81; effective thirtieth day thereafter (Register 81, No. 51).
2. Amendment filed 11–25–2002; operative 12–25–2002 (Register 2002, No. 48).

§ 816. Color Requirements.

Warning lamps shall meet the following limits in SAE J578d, September 1978. The color shall be that of the emitted light, not that of the material used for the lens or filter.

(a) Class A and D Warning Lamps: Red

(b) Class B, C, and E Warning Lamps: Red, yellow, or blue.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

§ 817. Photometric Test Requirements.

The luminous intensity of warning lamps tested as specified in Article 4 of this subchapter, with a reaim tolerance of ± 0.5 degree vertical and ± 1.0 degree horizontal allowed at each test point, shall be as follows:

(a) Steady-burning Warning Lamps. Steady-burning warning lamps, and flashing warning lamps which alternate between on and off by electrically controlling the current supplied to the lamp, shall meet the requirements in Table I. The photometric output of flashing lamps shall be reported only while the lamp is on. Warning lamp units shall be aimed for this test so the maximum intensity is on the H–V axis. Warning lamp assemblies shall be mounted for this test in accordance with Section 657.

TABLE I. MINIMUM CANDELA FOR STEADY-BURNING WARNING LAMPS AND FLASHING WARNING LAMPS WHICH ALTERNATE BETWEEN ON AND OFF BY ELECTRICALLY CONTROLLING THE CURRENT

Test point coordinates	Vertical	Horizontal	Class A Lamps		Class B Lamps		Class C Lamps		Class D Lamps
			Red	Red	Yellow	Blue	Red	Yellow	Red
10U	5L		15	20	50	10	10	25	5
	V		15	50	125	25	25	65	12
	5R		15	20	50	10	10	25	5
5U	20L		10	20	50	10	150	375	75
	10L		25	50	125	25	300	750	150
	5L		50	100	250	50	300	750	150
	V		80	150	375	75	300	750	150
	5R		50	100	250	50	300	750	150
	10R		25	50	125	25	300	750	150
	20R		10	20	50	10	150	375	75
H	30L		—	—	—	—	30	75	15
	20L		30	30	75	15	180	450	90
	10L		300	75	190	38	400	1,000	200
	5L		500	200	500	100	500	1,250	250
	2 1/2L		2,000	—	—	—	—	—	—
	V		3,000	300	750	150	600	1,500	300
	2 1/2R		2,000	—	—	—	—	—	—
	5R		500	200	500	100	500	1,250	250
	10R		300	75	190	38	400	1,000	200
	20R		30	30	75	15	180	450	90
	30R		—	—	—	—	30	75	15
5D	30L		—	—	—	—	30	75	15
	20L		10	20	50	10	200	500	100
	10L		25	50	125	25	300	750	150
	5L		50	100	250	50	450	1,100	275
	V		80	150	375	75	450	1,100	275
	5R		50	100	250	50	450	1,100	275
	10R		25	50	125	25	300	750	150
	20R		10	20	50	10	200	500	100
10D	5L		15	20	50	10	40	100	20
	V		15	50	125	25	40	100	20
	5R		15	20	50	10	40	100	20

NOTE: Maximum anywhere in yellow shall not exceed 4,000 cd over any area larger than that generated by a radius rotated 0.25 deg.

(b) Revolving Warning Lamps. Revolving warning lamps shall meet the requirements in either Table II or Table IV with the required test voltage applied to the input terminals of the complete assembly. A revolving lamp that is designed to project a signal throughout a 360 degree horizontal angle shall be tested with the lamp assembly turned about its vertical axis to the location where the maximum candela reading from the optical unit is reduced the most by any variations in density or shape of the transparent cover or by obstructions in the lamp assembly. A revolving warning lamp that does not project light through a 360 degree horizontal angle shall comply photometrically about those axes straight to the front, sides, and rear of a vehicle to which the lamp is designed to provide a warning signal. As the lamp rotates, the full projected area of the reflector of each light unit shall be visible along the beam axis as the center of the beam moves from 20 degrees left to 20 degrees right of the device axis.

TABLE II. MINIMUM CANDELA FOR REVOLVING WARNING LAMPS

Test point coordinates	Vertical	Horizontal	Red	Yellow	Blue
7.5U	V		50	130	25
5U	V		500	1,250	250
2.5U	V		3,000	7,500	1,500
H	V		5,000	12,500	2,500
2.5D	V		3,000	7,500	1,500
5D	V		500	1,250	250
7.5D	V		50	130	25

(c) Oscillating Warning Lamps. Oscillating warning lamps shall meet the requirements in Table III with the required test voltage applied to the input terminals of the complete assembly.

TABLE III. MINIMUM CANDELA FOR OSCILLATING WARNING LAMPS

	<i>Test point coordinates</i>		<i>Red</i>	<i>Yellow</i>	<i>Blue</i>
	<i>Vertical</i>	<i>Horizontal</i>			
7.5U	V		50	130	25
5U	V		500	1,250	250
2.5U	V		3,000	7,500	1,500
H		20L	500	1,250	250
		10L	1,200	3,000	600
		5L	3,300	8,250	1,650
		V	5,000	12,500	2,500
		5R	3,300	8,250	1,650
		10R	1,200	3,000	600
		20R	500	1,250	250
2.5D	V		3,000	7,500	1,500
5D	V		500	1,250	250
7.5D	V		50	130	25

(d) Gaseous Discharge Warning Lamps. Gaseous discharge warning lamps shall meet the requirements in Table IV with the required test voltage applied to the input terminals of the complete assembly. Lamps producing 360 degree light output shall be rotated in the photometric test to the point where the lowest H–V reading is recorded, at which location the lamp shall meet the flash energy requirements. The candela–seconds shall be reported as the average for ten consecutive flashes.

(e) Alternative Technologies. Nothing in this standard shall be construed to prohibit the use of any appropriate technology for light sources provided the appropriate photometric and other requirements for the type of lamp are met. Steady–burning warning lamps, and flashing lamps which alternate between on and off by interrupting the electrical current to the lamp, shall meet the photometric requirements of Class A, B, C or D as shown in Table I. Warning lamps which approximate or simulate the appearance of revolving warning lamps shall meet the photometric requirements of Table II. Warning lamps which approximate or simulate the appearance of oscillating warning lamps shall meet the photometric requirements of Table III.

(f) Removal from Service. Any warning lamp assembly which noticeably fails to function properly shall be removed from service. Warning lamp assemblies which utilize multiple light sources shall be removed from service if any individual light source fails to function properly.

TABLE IV. MINIMUM CANDELA–SECONDS FOR GASEOUS DISCHARGE WARNING LAMPS

<i>Vertical</i>	<i>Test point coordinates</i>		<i>Red</i>	<i>Yellow</i>	<i>Blue</i>
	<i>Horizontal</i>				
7.5U	V		5	12	3
5U	V		10	25	5
2.5U	V		30	75	15
H		20L	5	12	3
		10L	12	30	6
		5L	33	82	17
		V	50	125	25
		5R	33	82	17
		10R	12	30	6
		20R	5	12	3
2.5D	V		30	75	15
5D	V		10	25	5
7.5D	V		5	12	3

NOTE: The L and R test points do not apply to 360–deg lamps.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment filed 11–25–2002; operative 12–25–2002 (Register 2002, No. 48).

§ 818. Type of Warning Lamps Used on Emergency Vehicles and Special Hazard Vehicles.

Warning lamps on emergency vehicles and special hazard vehicles shall be of the following types:

(a) Required Red Warning Lamps on Authorized Emergency Vehicles. The steady burning red warning lamp required to be visible to the front of an authorized emergency vehicle by Vehicle Code Section 25252 shall be a Class A, B or C warning lamp. Motorcycles may instead be equipped with two Class D warning lamps in the front, one of which may flash.

(b) Permitted Additional Red Warning Lamps on Authorized Emergency Vehicles. The additional steady burning or flashing red warning lamp permitted by Vehicle Code Section 25252 shall be a Class A, B, C, or E warning lamp.

(c) Permitted Yellow Warning Lamps on Authorized Emergency Vehicles. The additional flashing yellow warning lamp permitted on authorized emergency vehicles by Vehicle Code Section 25259 shall be a Class B, C, or E warning lamp. Two yellow motorcycle turn signal lamps may be used as warning lamps on the rear of motorcycles.

(d) Permitted Blue Warning Lamps on Police Vehicles. The additional flashing or steady burning blue warning lamp permitted by Vehicle Code Section 25258(b) shall be Class B, C, or E.

(e) Required Yellow Warning Lamps on Tow Cars. The flashing yellow warning lamp required on tow cars by Vehicle Code Section 25253 shall be a Class B, C, or E warning lamp. The flashing yellow warning lamp permitted to be displayed to the rear of a tow car while towing a vehicle and moving at a speed slower than the normal flow of traffic may be a 360–degree revolving or gaseous discharge lamp. In such case, the front and side areas of the lens or transparent cover that extends back to 45 degrees to each side of the straight–to–the–rear axis of the lamp shall be covered with opaque material reaching to the top of the lighted area. A revolving lamp may instead be equipped with a device that turns each light source off during the forward three–fourths of its rotation.

(f) Permitted Yellow Warning Lamps on Special Hazard Vehicles. The flashing yellow warning lamps permitted on special hazard vehicles by Article 7 of Division 12 of the Vehicle Code beginning with Section 25252, shall be a Class B, C, or E warning lamp, depending on whether the lamp is permitted to be displayed only to the front and rear or to the front, sides, and rear.

(g) Warning Lamps for Undercover Cars. The required steady–burning forward–facing warning lamps on authorized emergency vehicles with special plates permitted by Vehicle Code Section 5001 shall be a class A, B, or C. This warning lamp may also be a fixed or handheld red spotlight with a filament of at least 30 watts, and producing at least 3,000 candela in red at the brightest point in the beam. Such a lamp need not meet any of the other requirements of this article except for color. Additional steady–burning or flashing warning lamps shall be class A, B, C, or E. These warning lamps may be displayed through transparent or translucent material provided the light, of proper color, is plainly visible and understandable in bright sunlight and during darkness, under normal atmospheric conditions, to a distance of 800 feet from the vehicle. These lights shall not transfigure, disrupt or mask any other required lighting device.

NOTE: Authority cited: Section 26103, Vehicle Code. Reference: Sections 24012 and 26103, Vehicle Code.

HISTORY

1. Amendment of subsections (e) and (g) filed 11–25–2002; operative 12–25–2002 (Register 2002, No. 48).

Article 23. School Bus Strobe Lamps

§ 819. Scope.

This article applies to white strobe lamps permitted on school buses by Vehicle Code section 25257.7.

NOTE: Authority cited: Sections 25257.7 and 26103, Vehicle Code. Reference: Sections 24012, 25257.7 and 26103, Vehicle Code.

HISTORY

1. New section filed 3–8–91; operative 4–7–91 (Register 91, No. 15).
2. Editorial correction of NOTE (Register 91, No. 31).

§ 820. School Bus Strobe Lamp.

School bus strobe lamps shall meet the requirements in SAE J1318, April 1986 for a 360 degree white gaseous discharge warning lamp with minimum photometric values equal to the requirements of a SAE class 2 lamp.

NOTE: Authority cited: Sections 25257.7, and 26103, Vehicle Code. Reference: Sections 24012, 25257.7 and 26103, Vehicle Code.

HISTORY

1. New section filed 3–8–91; operative 4–7–91 (Register 91, No. 15).

Chapter 4. Special Equipment**Article 12. Brake Equipment****§ 1060. Scope of Regulations.**

NOTE: Authority cited: Section 2402, Vehicle Code. Reference: Sections 26502, 26503 and 26504, Vehicle Code.

HISTORY

1. New Article 12 (§§ 1060 through 1065) filed 7–15–69; designated effective 8–15–69 (Register 69, No. 29).
2. Repealer of Section 1060 filed 5–19–83 by OAL pursuant to Government Code Section 11349.7(j); effective thirtieth day thereafter (Register 83, No. 21).

§ 1061. Air Governor Adjustment.

Air compressor governors shall be adjusted to operate as follows:

(a) Cut–in Pressure. Cut–in pressure shall not be less than 85 psi for full air brake systems on any motor vehicle and not less than 65 psi for air–assisted hydraulic brakes on motor vehicles with a gross vehicle weight rating of not more than 25,000 pounds.

(b) Cutout Pressure. Cutout pressure shall not be more than 130 pounds per square inch unless the maximum air delivered to the brake system reservoir is regulated to provide between 100 and 130 pounds per square inch, in which case the cutout pressure shall be adjusted to not more than 150 pounds per square inch.

NOTE: Authority and reference cited: Section 26504, Vehicle Code.

HISTORY

1. Amendment filed 1–30–80; designated effective 3–1–80 (Register 80, No. 5).

§ 1062. Safety Valve Adjustment.

Airbrake safety valves shall be adjusted to operate as follows:

(a) Normal Discharge Pressure. Safety valves in airbrake systems with an air governor cutout pressure of not more than 130 pounds per square inch shall open and shall relieve the pressure so that it will not exceed 150 pounds per square inch under any condition.

(b) Above Normal Discharge Pressure. Safety valves in airbrake systems with an air governor cutout pressure of 130 to 150 pounds per square inch, as provided in Section 1061(b) of this article, shall open and shall relieve the pressure so that it will not exceed 170 pounds per square inch under any condition. In no case shall the safety valve be set to open at more than the maximum allowable working pressure of the airbrake reservoirs.

NOTE: Authority and reference cited: Section 26503, Vehicle Code.

HISTORY

1. Editorial correction adding NOTE filed 4–28–83 (Register 83, No. 18).

§ 1063. Load–Controlled Air Pressure Reducing System.

(a) Systems that automatically reduce air pressure at brake actuators during brake application in proportion to the axle load shall operate as follows:

(1) When the single or tandem–axle load on the roadway is 85 percent or more of the maximum legal load or rated gross weight of the axle, whichever is lower, the device or system shall not reduce the full service brake air pressure at the brake chambers to less than that required by Vehicle Code Section 26502 unless the vehicle meets the requirements of Federal Motor Vehicle Safety Standard 121 (49 CFR 571.121) in effect at time of manufacture.

(2) The system shall incorporate a feature to override the automatic control, at the driver’s discretion, to allow at least 90 percent of the air supply pressure at the foot valve to be applied to the brake actuators upon full brake application, except on axles designed to carry not more than 50 percent of the maximum legal load or gross weight rating of the axle and used in tandem with a maximum legal load carrying axle on the same vehicle.

(b) Systems that automatically reduce the application air pressure at brake actuators on truck tractors depending upon whether the semitrailer is connected or disconnected shall operate so the truck tractor meets the brake requirements of Federal Motor Vehicle Safety Standard 121.

NOTE: Authority and reference cited: Section 26502, Vehicle Code.

HISTORY

1. Editorial correction adding NOTE filed 4–28–83 (Register 83, No. 18).
2. Amendment filed 8–31–83; effective thirtieth day thereafter (Register 83, No. 36).
3. Amendment of subsection (a)(1) filed 3–10–86; effective thirtieth day thereafter (Register 86, No. 11).

§ 1064. Wheel–Controlled Air Pressure Reducing System.

Brake systems that automatically reduce air pressure at the brake actuator to maintain wheel rotation during brake application shall allow at least 90 percent of the air supply pressure at the foot valve to be applied to the brake actuator upon full brake application when the wheel rotates at a rate corresponding to the speed of the vehicle.

NOTE: Authority and reference cited: Section 26502, Vehicle Code.

HISTORY

1. Editorial correction adding NOTE filed 4–28–83 (Register 83, No. 18).
2. Amendment filed 8–31–83; effective thirtieth day thereafter (Register 83, No. 36).

§ 1065. Pressure Controlled Reducing System.

Brake systems that automatically apply a lower air pressure to certain axles in comparison to other axles on the vehicle or combination of vehicles to obtain balanced braking between axles shall apply equal pressure to all brake actuators when the manual brake control application pressure is 60 psi or more.

NOTE: Authority and reference cited: Section 26502, Vehicle Code.

HISTORY

1. Renumbering and amendment of former Section 1065 to Section 1066 and new Section 1065 filed 8–31–83; effective thirtieth day thereafter (Register 83, No. 36).

§ 1066. General Requirements for Load, Wheel, and Pressure Controlled Air Pressure Reducing Systems.

All devices or systems for automatically reducing the air pressure delivered to brake actuators on any vehicle or combination of vehicles shall meet the following general requirements:

(a) Stopping Distance. The device or system shall not increase the stopping distance under any condition of load beyond that attained by the same type of vehicle or combination of vehicles when not equipped with the device or system.

(b) Brake–Release Time. The device or system shall not increase the brake–release time over that which would have been attained if the device had not been installed in the system.

(c) Fail–Safe Operation. Any single failure in any part of the device or its control system shall not increase the stopping distance beyond the statutory limits.

(d) Deceleration. The device or system shall permit deceleration at maximum braking capability without causing the vehicle to swerve from a 3.66 m (12 ft) wide lane that is dry, smooth, hard–surfaced, free from loose material, and has a grade not exceeding plus or minus 1 percent.

NOTE: Authority and reference cited: Section 26502, Vehicle Code.

HISTORY

1. Editorial correction adding NOTE filed 4–28–83 (Register 83, No. 18).
2. Renumbering and amendment of former Section 1065 to Section 1066 filed 8–31–83; effective thirtieth day thereafter (Register 83, No. 36).

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

Division 33. Bureau of Automotive Repair

Chapter 1. Automotive Repair Dealers and Official Stations and Adjusters

Article 1. General Provisions

§ 3300. Location of Office. [Repealed]

NOTE: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code. Reference: Sections 9882 and 9887.1, Business and Professions Code.

HISTORY

1. New chapter 33 (sections 3300–3303, 3304–3315, 3316, 3320, 3321, 3325–3327) filed 3–6–72 as an emergency; effective upon filing (Register 72, No. 11).
2. Certificate of Compliance filed 5–11–72 (Register 72, No. 20).
3. Amendment filed 7–25–75; effective thirtieth day thereafter (Register 75, No. 30).
4. Redesignation of sections 3300–3395 as subchapter 1 filed 3–15–79 as an emergency; effective upon filing (Register 79, No. 11).
5. Amendment of NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
6. Amendment filed 3–28–86; effective thirtieth day thereafter (Register 86, No. 13).
7. Amendment of subchapter 1 heading filed 9–26–90; operative 10–26–90 (Register 90, No. 44).
8. Editorial correction of printing error removing duplicate text (Register 91, No. 32).
9. Change without regulatory effect repealing section filed 5–8–2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 19).

§ 3303. Definitions.

In this chapter, unless the context otherwise requires:

- (a) “Code” means the Business and Professions Code.
- (b) “Department” means the Department of Consumer Affairs.
- (c) “Act” means the Automotive Repair Act as contained in Chapter 20.3, Division 3 of the Business and Professions Code.
- (d) “Passenger vehicle” means a motor vehicle used for private transportation or recreational purposes, including recreational vehicles and excluding commercial vehicles.
- (e) “Commercial vehicle” means a vehicle designed, used or maintained primarily for the transportation of persons or property for hire, compensation or profit.
- (f) “Recreational vehicle” means a motor vehicle designed or altered for recreational purposes or for human habitation and includes a motor vehicle used for transporting camper units.
- (g) “Compensation” means any form of remuneration received for repairing or diagnosing malfunctions of motor vehicles. Where repair or diagnostic work is performed pursuant to a warranty, compensation is presumed to have been paid, whether the warranty has been obtained in connection with the purchase of a motor vehicle or otherwise.
- (h) “Repair of motor vehicles” as used in subdivision (e) of Section 9880.1 of the Act shall not include the repair of that portion of a recreational vehicle which is intended for human habitation and which is unrelated to the operation of the vehicle, or a transmission fluid change.
- (i) “Transmission fluid change” means changing the transmission fluid without removing the transmission pan or changing the transmission filter.
- (j) “Authorization” means consent. Authorization shall consist of the customer’s signature on the work order, taken before repair work begins. Authorization shall be valid without the customer’s signature only when oral or electronic authorization is documented in accordance with applicable sections of these regulations.

(k) “Building” means a permanent structure with walls, a floor, and a roof.

(l) “Auto body repair shop” means an automotive repair dealer who performs repairs or reconstruction of automobile or truck bodies, structures, or frames. Auto body repair shop does not include an automotive repair dealer also licensed by the department of Motor Vehicles as a motor vehicle dealer who engages in either the activity of up-fitting or down-fitting its vehicle inventory, or performs those repairs that may be performed without utilizing the tools or equipment required by Section 3351.5.

(m) “Section” or “Sectioning” means the replacement of less than a whole part or component by splicing the part or component at non-factory seams.

(n) “Corrosion protection” means a coating applied to the vehicle to create a corrosion resistant barrier that protects the structure or component from the elements to which it is exposed.

(o) “Structure” means those components or parts that are designed to support weight, absorb collision energy, and absorb road shock.

(p) “Crash part” means a replacement for any of the non-mechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels.

(q) “Original Equipment Manufacturer crash part” or “OEM crash part” means a crash part made for or by the original vehicle manufacturer that manufactured, fabricated or supplied a vehicle or a component part.

(r) “Non-Original Equipment Manufacturer aftermarket crash part” or “non-OEM aftermarket crash part” means aftermarket crash parts not made for or by the manufacturer of the motor vehicle.

NOTE: Authority cited: Sections 9882, 9884.9, 9884.19 and 9887.1, Business and Professions Code. Reference: Sections 9880.1(a), (e) and (f), 9882, 9884.7(a)(2), 9884.9, 9889.50, 9889.51 and 9889.52, Business and Professions Code.

HISTORY

1. New subsections (f) through (o) filed 12–29–72; effective thirtieth day thereafter (Register 72, No. 53).
2. Amendment of subsection (o) and new subsection (p) filed 6–9–78; effective thirtieth day thereafter (Register 78, No. 23).
3. Amendment filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
4. Amendment of subsection (e) filed 8–18–92; operative 9–17–92 (Register 92, No. 37).
5. Amendment of subsection (h), new subsection (i) and subsection relettering filed 3–7–97; operative 4–6–97 (Register 97, No. 10).
6. New subsections (m)–(s) and amendment of NOTE filed 10–20–97; operative 11–19–97 (Register 97, No. 43).
7. Amendment of subsection (k) and amendment of NOTE filed 5–2–2002; operative 6–1–2002 (Register 2002, No. 18).
8. Change without regulatory effect repealing subsection (j), relettering subsections and amending newly designated subsections (m) and (o)–(r) filed 6–5–2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 23).

§ 3303.1. Public Access to License, Administrative Action, and Complaint Information.

It is the policy of the bureau that information regarding licenses, administrative actions and complaints shall be made available, pursuant to the California Public Records Act (Chapter 3.5 of Division 7 of Title 1 of the Government Code, commencing with Section 6250) to any person who requests that information. The following provisions implement departmental policy within the bureau by establishing an information system designed to provide individual members of the public with information about bureau registrants and licensees. Information subject to public disclosure shall be provided to members of the public, upon request, by telephone, in person, or in writing (including fax or e-mail). The information, when feasible and to the extent required or permitted by law, shall be made available by the bureau in writing. Requests for information shall be responded to within ten (10) days.

(a) The bureau will disclose the following information, as applicable, regarding past and current registrants or licensees:

(1) The name of the registrant or licensee, as it appears in the bureau's records, including all fictitious or business names shown therein.

(2) The registration or license number.

(3) The address of record.

(4) The date of original registration or licensure.

(5) The current status of the registration or license.

(6) The date the registration or license will expire, or has expired, and, if applicable, the date the registration or license was suspended, revoked, cancelled or otherwise terminated.

(b) The bureau will disclose the following information regarding administrative action taken by the bureau against registrants or licensees:

(1) The total number of administrative actions taken.

(2) A brief summary of the violations alleged in the administrative actions.

(3) The current status of pending administrative actions, if any. Disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the registrant(s) or licensee(s) is/are alleged and no final legal determination has yet been made. Further disclaimers or cautionary statements regarding pending actions may also be made.

(4) The final disposition, if any, of the administrative actions, including any discipline or penalty imposed. Citations that have been satisfactorily resolved shall be disclosed as such.

(5) Any additional information that is statutorily mandated to be disclosed.

(c)(1) The bureau will disclose complaint information when the Chief, or the Chief's designee, has determined that any of the following conditions have been met:

(A) The complaint information has a direct and immediate relationship to the health and safety of another person.

(B) The complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in death, bodily injury or severe consequences and disclosure may protect the consumer and/or prevent additional harm to the public.

(C) A series of complaints against a registrant or licensee has been received by the bureau, alleging a pattern of unlawful activity, and it has been determined that disclosure may help to protect the consumer and/or prevent additional harm to the public.

(D) The complaint has resulted in the issuance of a citation by the bureau.

(E) The allegations in the complaint are part of an administrative action that has been referred to the Attorney General for filing of an Accusation or Statement of Issues.

(F) The complaint has been referred to a law enforcement agency for prosecution.

(2) The bureau will not provide copies of actual complaints and no personal information will be disclosed. Information about a complaint will not be disclosed if it is determined by the Chief or the Chief's designee, that any of the following apply:

(A) Disclosure is prohibited by statute or regulation.

(B) Disclosure might compromise any investigation or prosecution.

(C) Disclosure might endanger or injure the complainant or a third party.

(3) When the conditions for disclosure listed in paragraph (1) of this subsection have been met, and none of the conditions listed in paragraph (2) are found to be applicable, the bureau will disclose the following information regarding complaints received against registrants or licensees:

(A) The total number of complaints that meet the conditions for disclosure.

(B) The date of receipt and the nature of each disclosable complaint.

(C) The disposition of each disclosable complaint, indicating whether the matter has been:

1. referred for administrative action;

2. disposed of through any other action, formal or informal; or

3. resolved by other disposition.

(D) Information that is statutorily mandated to be disclosed.

(E) A description of the type of public information not included (i.e., civil judgements, criminal convictions, unsubstantiated complaints).

(4) All disclosures of complaint information shall include disclaimers indicating that the disclosure does not constitute endorsement or non-endorsement of the registrant or licensee, and that not all available information may be included.

(d) For the purposes of this section, "administrative action" shall mean an Accusation or Statement of Issues filed by the bureau, or a Citation issued by the bureau.

NOTE: Authority cited: Section 9882, Business and Professions Code; and Sections 6253 and 6253.4, Government Code. Reference: Sections 27, 129 and 9882, Business and Professions Code; and Sections 6253, 6253.1 and 6254, Government Code.

HISTORY

1. New section filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

2. Amendment of section heading, repealer and new section and amendment of NOTE filed 6-20-2007; operative 7-20-2007 (Register 2007, No. 25).

§ 3303.2. Review of Applications for Licensure, Registration and Certification; Processing Time.

(a) An applicant for an initial license, registration or certification shall be informed in writing within 14 days whether the application is complete and accepted for filing or is incomplete and what specific information is required.

(b) An applicant for initial licensure as an official lamp, brake or smog check station shall be informed in writing, within 45 days after completion of the application, of the bureau's decision whether the applicant meets the requirements for licensure. Inspection of the applicant's station shall be performed during that time period. In the event that the inspection indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency.

(c) An applicant for initial licensure as a smog check technician shall be informed in writing, within 70 days after completion of the application, of the bureau's decision whether the applicant meets the requirements to take the technician examination.

(d) An applicant for initial licensure as an adjuster shall be informed in writing, within 70 days after completion of the application, of the bureau's decision whether the applicant meets the requirements for licensure. This period may be extended by the time necessary for rescheduling an examination if the applicant fails the examination or fails to take the examination at the time first scheduled by the bureau.

(e) An applicant for initial registration as an automotive repair dealer shall be informed in writing, within 45 days after completion of the application, of the bureau's decision whether the applicant meets the requirements for registration.

(f) An applicant for initial licensure as a fleet facility shall be informed in writing, within 15 days after completion of the application, of the bureau's decision whether the applicant meets the requirements for licensure.

(g) An applicant for certification as an instructor of Smog check technicians shall be informed in writing, within 45 days after completion of the application, as to whether the applicant meets the requirements for certification.

(h) An applicant for initial certification as an institution providing training to Smog check technicians shall be informed in writing, within 70 days after completion of the application, of the bureau's decision as to whether the applicant meets the requirements for certification. Inspection of the applicant's training facility shall be performed during that time period. In the event that the inspection

indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency.

(i) An applicant applying for certification as a Gold Shield station shall be informed in writing, within 45 days after the bureau has received a completed Gold Shield Application form (GSR-1 (08/05/97)) which is incorporated by reference, of the bureau's decision that the station meets, or does not meet, the eligibility requirements, or the basis for disapproving the certification. Inspection of the applicant's station shall be performed during that time period. In the event that the inspection indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency. A representative of the bureau may make an inspection of the applicant's station. A certification may be issued only for an applicant that meets the specifications contained in Article 10, of this Chapter.

(j) "Completion of the application" as used in this section means that a completed application and required fees have been filed by the applicant and received by the bureau.

(k) The minimum, maximum and median processing times for initial licensure, or a Gold Shield (GS) station certification from the time of receipt of the initial application until the bureau made a final decision on the application, or the GS station certification were:

	<i>Lamp Station</i>	<i>Brake Station</i>	<i>Smog Check Technician</i>
(1) Minimum	14 days	15 days	21 days
(2) Median	20 days	21 days	50 days
(3) Maximum	44 days	29 days	120 days

	<i>Lamp Adjuster</i>	<i>Brake Adjuster</i>
(1) Minimum	15 days	21 days
(2) Median	52 days	50 days
(3) Maximum	101 days	103 days

	<i>Automotive Repair Dealer</i>	<i>Smog Check Station</i>	<i>Technician Training Institution</i>
(1) Minimum	17 days	3 days	10 days
(2) Median	39 days	22 days	61 days
(3) Maximum	97 days	120 days	347 days

	<i>Fleet Facility</i>	<i>Smog Check Inspector</i>	<i>Technician Training Instructor</i>
(1) Minimum	1 day	2 days	2 days
(2) Median	10 days	9 days	22 days
(3) Maximum	28 days	112 days	264 days

	<i>Gold Shield Station</i>
(1) Minimum	30 days
(2) Median	42 days
(3) Maximum	72 days

(l) An applicant for certification to blend, fill or sell emissions inspection system (EIS) calibration gases pursuant to section 44036.5 of the Health and Safety Code shall be informed in writing, within 70 days after completion of the application of the bureau's decision as to whether the applicant meets the requirements for certification. The minimum, maximum and median processing times for initial certification for such applicants from the time of receipt of the initial application until the bureau made a final decision on the application has been as follows:

(1) Minimum	40 days
(2) Median	53 days
(3) Maximum	73 days

NOTE: Authority cited: Sections 9882 and 9887.1, Business and Professions Code; Sections 44001.5, 44002, 44014, 44031, 44036.5 and 44045.5, Health and Safety Code; and Section 15376, Government Code. Reference: Section 15376, Government Code; Section

44014.2, Health and Safety Code; and Section 20, Title 1, Government Code.

HISTORY

1. New section filed 11-25-83; effective thirtieth day thereafter (Register 83, No. 48).
2. Amendment filed 9-26-90; operative 10-26-90 (Register 90, No. 44).
3. Editorial correction of printing error of subsection (j) Brake Adjuster median from printed 21 to correct 50 days (Register 91, No. 46).
4. Amendment filed 8-20-91; operative 9-19-91 (Register 92, No. 1).
5. Amendment of subsection (c), new subsection (d), subsection relettering, and amendment of subsections (g)-(h) and NOTE filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
7. New subsection (i), subsection relettering, amendment of newly designated subsection (k), and amendment of NOTE filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 4-23-97 order, including further amendment of subsection (i), transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).
9. Amendment of subsection (l) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).
10. Change without regulatory effect amending subsections (g)-(i) and (k)-(l) filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

§ 3303.3. Current Address Required.

Each registrant or licensee of the bureau shall have on file at the principal office of the bureau his or her correct mailing and street address. A registrant or licensee shall within 14 days notify the bureau of any changes in mailing or street address giving both the old and new addresses.

NOTE: Authority cited: Section 9882, Business and Professions Code; and Section 44002, Health and Safety Code. Reference: Sections 9882 and 9882.4, Business and Professions Code; and Section 44002, Health and Safety Code.

HISTORY

1. New section filed 4-16-90; operative 4-16-90 (Register 90, No. 19).

§ 3303.4. Nondiscrimination Clause.

NOTE: Authority cited: Sections 9882, 9887.1, 9887.2 and 9888.2, Business and Professions Code; and Section 44030, Health and Safety Code. Reference: Sections 9880, 9880.2, 9888.1, 9888.2, 9888.3 and 9889.31, Business and Professions Code; Sections 44002, 44014, 44030, 44033 and 44034, Health and Safety Code; and Section 15376, Government Code.

HISTORY

1. New section filed 12-8-98 as an emergency; operative 12-8-98 (Register 98, No. 50). A Certificate of Compliance must be transmitted to OAL by 3-8-99 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2000, No. 5).

§ 3303.4.1. Applicant Compliance with PRWORA.

NOTE: Authority cited: Sections 9882, 9887.1, 9887.2 and 9888.2, Business and Professions Code; and Section 44030, Health and Safety Code. Reference: Sections 9880, 9880.2, 9888.1, 9888.2, 9888.3 and 9889.31, Business and Professions Code; Sections 44002, 44014, 44030, 44033 and 44034, Health and Safety Code; and Section 15376, Government Code.

HISTORY

1. New section filed 12-8-98 as an emergency; operative 12-8-98 (Register 98, No. 50). A Certificate of Compliance must be transmitted to OAL by 3-8-99 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2000, No. 42).

§ 3303.4.2. Requirements for Licensure for Certain Aliens.

NOTE: Authority cited: Sections 9882, 9887.1, 9887.2 and 9888.2, Business and Professions Code; and Section 44030, Health and Safety Code. Reference: Sections 9880, 9880.2, 9888.1, 9888.2, 9888.3 and

9889.31, Business and Professions Code; Sections 44002, 44014, 44030, 44033 and 44034, Health and Safety Code; and Section 15376, Government Code.

HISTORY

1. New section filed 12–8–98 as an emergency; operative 12–8–98 (Register 98, No. 50). A Certificate of Compliance must be transmitted to OAL by 3–8–99 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).

§ 3303.4.3. PRWORA Verification.

NOTE: Authority cited: Sections 9882, 9887.1, 9887.2 and 9888.2, Business and Professions Code; and Section 44030, Health and Safety Code. Reference: Sections 9880, 9880.2, 9888.1, 9888.2, 9888.3 and 9889.31, Business and Professions Code; Sections 44002, 44014, 44030, 44033 and 44034, Health and Safety Code; and Section 15376, Government Code.

HISTORY

1. New section filed 12–8–98 as an emergency; operative 12–8–98 (Register 98, No. 50). A Certificate of Compliance must be transmitted to OAL by 3–8–99 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).

§ 3303.4.4. No Refund of Application Fee.

NOTE: Authority cited: Sections 9882, 9887.1 and 9887.2, Business and Professions Code. Reference: Sections 44034 and 44034.1, Health and Safety Code; Sections 158 and 163.5, Business and Professions Code; and Section 13142, Government Code.

HISTORY

1. New section filed 12–8–98 as an emergency; operative 12–8–98 (Register 98, No. 50). A Certificate of Compliance must be transmitted to OAL by 3–8–99 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).

Article 2. Licensing of Official Stations and Adjusters

§ 3304. Scope of Regulations.

NOTE: Authority cited: Section 9882, Business and Professions Code.

HISTORY

1. Repealer filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3305. Station Performance, Work Area and Adjuster Required.

(a) All adjusting, inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing any certificate of compliance or adjustment shall be performed in official stations, by official adjusters, in accordance with the following, in descending order of precedence, as applicable:

(1) Vehicle Manufacturers' current standards, specifications and recommended procedures, as published in the manufacturers' vehicle service and repair manuals.

(2) Current standards, specifications, procedures, directives, manuals, bulletins and instructions issued by vehicle and equipment or device manufacturers.

(3) Standards, specifications and recommended procedures found in current industry-standard reference manuals and periodicals published by nationally recognized repair information providers.

(4) The bureau's *Handbook for Brake Adjusters and Stations*, February 2003, which is hereby incorporated by reference.

(5) The bureau's *Handbook for Lamp Adjusters and Stations*, February 2003, which is hereby incorporated by reference.

(b) The specific activities for which an official station is licensed shall be performed only in an area of the station that has been approved by the bureau. Other work may be performed in the approved area, as desired. The work area shall be within a building and shall be large enough to accommodate the motor vehicle being serviced. The bureau may make an exception to the preceding requirement by approving a work area adjacent to a building for purposes of inspecting and

adjusting equipment and devices on buses, trucks, truck tractors, trailers, and semitrailers. The work area shall be kept clean and orderly.

(c) The services of an officially licensed adjuster appropriate to each type and class of station license held shall be available at each official station, except a fleet owner station, not less than 40 hours weekly or not less than half of the hours the station is open for business weekly, whichever is less. Fleet owner stations are required to provide the services of a licensed adjuster only for certification procedures.

NOTE: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professional Code. Reference: Sections 9888.2 and 9888.4, Business and Professions Code.

HISTORY

1. Amendment filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
2. Amendment of subsections (a) and (c) filed 5–11–90; operative 6–10–90 (Register 90, No. 26).
3. Editorial correction of HISTORY 2. (Register 91, No. 30).
4. Amendment of subsection (a) filed 8–20–91; operative 9–19–91 (Register 92, No. 1).
5. Editorial correction of subsection (b), restoring inadvertently omitted text (Register 2002, No. 23).
6. Amendment of section heading and section filed 1–23–2007; operative 2–22–2007 (Register 2007, No. 4).

§ 3306. Licensing Official Stations; Inspection; Term, Renewal and Replacement of Licenses.

Official station licenses shall be issued and renewed in accordance with the following procedures:

(a) Licenses will be issued only after an on-site inspection of the station by a bureau representative confirms that the applicant meets the qualifications prescribed in these regulations. A station license shall expire one year from date of issue.

(b) The late renewal fee shall be \$7.50 if the bureau receives the renewal application within 30 days after the date of expiration.

(c) In the event of a change of business name or address, the licensee shall submit to the bureau a *Change of Name/Address/Corporate Officers or Directors*, Form R–8 (Rev. 05/25/01), which is hereby incorporated by reference. In the event of a change of ownership of a licensed business, a new *Application for Station License*, Form R–4 (Rev 11/05), which is hereby incorporated by reference, and a fee of \$10 shall be submitted to the bureau. In determining whether a fee is required, the following shall apply:

(1) "Change of ownership" means any change in legal ownership of the license or the licensed business, including the addition or the deletion of a partner, the transfer of any ownership interest between members of a family (such as by sale, gift, or the death of the legal owner or one of the owners), change of the business entity by incorporation of the business or a change in the corporate status that requires a new corporate number as issued by the Secretary of State.

(2) "Change of address" means any relocation of a licensed business not involving a change of ownership and any change in the mailing address, including a change resulting from street renumbering.

NOTE: Authority cited: Sections 9882 and 9887.1, Business and Professions Code. Reference: Sections 152.6, 163.5, 9887.1, 9887.2 and 9887.3, Business and Professions Code.

HISTORY

1. Amendment filed 6–26–74; designated effective 8–1–74 (Register 74, No. 26).
2. Amendment of subsection (e)(2) filed 5–8–75; effective thirtieth day thereafter (Register 75, No. 19).
3. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
4. Amendment of subsection (a) filed 6–9–78; effective thirtieth day thereafter (Register 78, No. 23).
5. Amendment filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
6. Editorial correction of printing error inadvertently misstating authority section (Register 91, No. 6).
7. Amendment of section heading and section filed 1–23–2007; operative 2–22–2007 (Register 2007, No. 4).

FIGURE 1. SIGN DIMENSIONS

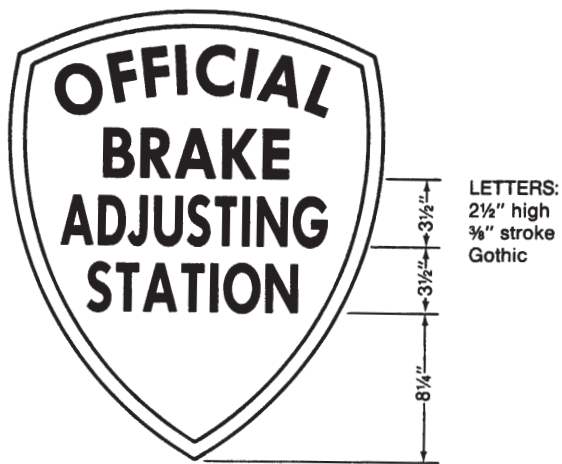


FIGURE 2. LETTERING DIMENSIONS

(b) Multipurpose station signs displayed to designate the functions for which the station is licensed shall meet the following specifications:

(1) Multipurpose signs shall have the overall dimensions, shield size, placement, and lettering size shown in Figures 3 and 4.

(2) Multipurpose signs shall have lettering, shield border and station designation(s) in light chrome yellow; and the background shall be royal blue.

(3) The space to the right of the official station shield in a multipurpose sign shall be used to designate the official functions of the station, and such designation shall meet the requirements of paragraph (1) of subsection (b) of this section.

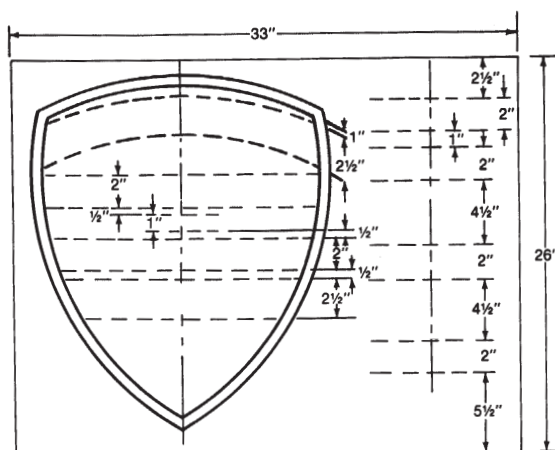


FIGURE 3. DIMENSIONS, MULTIPURPOSE SIGN

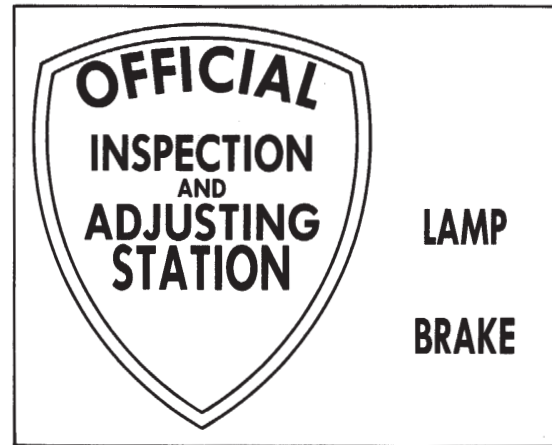


FIGURE 4. MULTIPURPOSE SIGN

NOTE: Authority cited: Sections 9882 and 9888.2, Business and Professions Code. Reference: Section 9888.2, Business and Professions Code.

HISTORY

1. Repealer of subsection (c) filed 2-22-83; effective thirtieth day thereafter (Register 83, No. 9).
2. Amendment filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
3. Amendment of FIGURES 2 and 4 filed 10-23-91; operative 11-22-91 (Register 92, No. 35).
4. Amendment filed 1-23-2007; operative 2-22-2007 (Register 2007, No. 4).

§ 3310. Licensing Official Lamp and Brake Adjusters.

(a) There shall be one class of official lamp adjusters' license. Official lamp adjusters' licenses may be issued to persons who have shown by examination that they are qualified to test, inspect, adjust, and repair the lamps and related electrical systems on all vehicles.

(b) There shall be three classes of official brake adjusters' licenses:

(1) Class A official brake adjusters' licenses may be issued to persons who have shown by examination that they are qualified to test, inspect, adjust, and repair the brakes and brake system on all vehicles.

(2) Class B official brake adjusters' licenses may be issued to persons who have shown by examination that they are qualified to test, inspect, adjust, and repair all brakes and brake systems on all buses, trucks, and truck tractors, trailers, and semitrailers.

(3) Class C official brake adjusters' licenses may be issued to persons who have shown by examination that they are qualified to test, inspect, adjust, and repair all brakes and brake systems on all trucks and truck tractors having a manufacturer's gross vehicle weight rating of less than 10,000 pounds and all trailers and semitrailers which do not use compressed air or vacuum to actuate the brakes, and all passenger vehicles including motorcycles and motor-driven cycles.

(c) A person desiring to be licensed as an official adjuster shall submit a separate *Brake Adjuster or Lamp Adjuster Application* form, Lic (Rev. 8/00), which is incorporated by reference, for each license or license class desired. A separate license shall be required for each license type or license class.

(d) Each application shall be accompanied by the fee prescribed in section 9887.2 of the Business and Professions Code, except that the late renewal fee shall be \$7.50 if the bureau receives the renewal application within 30 days after the date of expiration. An applicant who fails the examination may submit an application for another examination and in each such instance shall pay the prescribed application fee.

(e) Official adjusters' licenses shall expire four years from date of issue. When any person licensed as an adjuster ceases to be employed at an official station, the person's right to act as an official adjuster shall immediately cease. The person shall not engage in the activity of official adjuster until the person is again employed at an appropriate official station.

NOTE: Authority cited: Sections 9882, 9887.1, 9887.2 and 9888.2, Business and Professions Code. Reference: Sections 163.5, 9887.1, 9887.2 and 9888.2, Business and Professions Code.

HISTORY

1. Amendment of subsections (d), (e), (f) and (g) filed 10-4-72 as an emergency; effective upon filing (Register 72, No. 41).
2. Certificate of Compliance filed 12-22-72 (Register 72, No. 52).
3. Amendment filed 2-22-83; effective thirtieth day thereafter (Register 83, No. 9).
4. Amendment filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
5. Editorial correction of subsection (b)(3) (Register 2002, No. 23).
6. Amendment filed 1-23-2007; operative 2-22-2007 (Register 2007, No. 4).

Article 3. Official Lamp Adjusting Stations

§ 3315. Classes of Official Lamp Adjusting Stations.

Classes of official lamp adjusting stations are established as follows:

(a) Class A official lamp adjusting stations shall be equipped to test, inspect, adjust, and repair all lamps and related electrical systems on all vehicles.

(b) Class B-limited (BL) official lamp adjusting stations shall be equipped to adjust all lamps with aiming pads on all passenger vehicles and commercial vehicles 80 inches or less in width. These stations shall be equipped to test, inspect, and repair all lamps and related electrical systems on all vehicles except motorcycles and motor-driven cycles.

NOTE: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code. Reference: Sections 9887.1, 9887.2, 9887.3 and 9888.2, Business and Professions Code.

HISTORY

1. Amendment filed 2-22-83; effective thirtieth day thereafter (Register 83, No. 9).
2. Amendment filed 1-23-2007; operative 2-22-2007 (Register 2007, No. 4).

§ 3316. Lamp Adjusting Station Operation and Equipment Requirements.

The operation of official lamp adjusting stations shall be subject to the following provisions:

(a) Class A official lamp adjusting stations shall provide an aiming screen or an optical type headlamp-aiming machine. Class A stations may provide, in addition, a mechanical type headlamp aiming machine and related calibration equipment. A Class BL station that limits its lamp aiming to lamps with aiming pads shall provide a mechanical type headlamp aiming machine and related calibration equipment.

Each official lamp adjusting station shall be equipped with a voltmeter and other tools necessary for proper lamp servicing.

(b) Equipment for aiming headlamps and auxiliary lamps shall be approved by the bureau. Aiming equipment shall be used only in the work area prescribed in subsection (b) of Section 3305 of this chapter, and as follows:

(1) Aiming screens may be used for all headlamps and auxiliary lamps. Provision shall be made so that the screen can be shaded sufficiently from both direct and ambient light during daylight hours to perform aiming functions adequately.

(2) Optical type headlamp aiming machines may be used for all headlamps and auxiliary lamps.

(3) Mechanical type headlamp aiming machines shall be used only for lamps manufactured with three aiming pads on the lens.

(c) Each official lamp adjusting station shall maintain in a location readily accessible to licensed adjusters a current copy of the following:

(1) The bureau's *Handbook for Lamp Adjusters and Stations*, referenced in subsection (a) of Section 3305 of this Chapter.

(2) All appropriate and current lamp adjustment standards, specifications, directives, manuals, bulletins and instructions issued by motor vehicle and lamp manufacturers that are applicable to vehicles for which the station adjusts lamps.

(3) Service manuals and operating instructions issued by the manufacturers for all headlamp aiming instruments, machines, devices and equipment used by the station.

(d) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the bureau for a fee of three dollars and fifty cents (\$3.50) each and shall not purchase or otherwise obtain such certificates from any other source. Full payment is required at the time certificates are ordered. Certificates are not exchangeable following delivery. A licensed station shall not sell or otherwise transfer unused certificates of adjustment. Issuance of a lamp adjustment certificate shall be in accordance with the following provisions:

(1) When a lamp adjustment certificate is issued to an applicant for an authorized emergency vehicle permit, the certificate shall certify that the vehicle has been inspected, that all lamps and related electrical systems meet all requirements of the Vehicle Code and bureau regulations, and that all lamps capable of adjustment are properly adjusted.

(2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle have been inspected and found to be in compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall certify that the entire system meets all of those requirements.

(3) When a customer asks for a certificate of lamp adjustment in conjunction with clearance of an enforcement form, the adjuster may, if requested, inspect and certify only the portion of the lighting system specified as defective on the enforcement form. Where the entire system has not been tested or inspected or one or more defects have been corrected, the certificate shall indicate which tests or inspections have been performed, or which defect or defects have been corrected.

(4) A certificate shall be valid for 90 days after its issuance to a consumer.

(e) After correcting specified defects, official lamp adjusters shall certify that defects indicated on citations or other enforcement forms have been corrected.

(1) The adjuster shall inform the customer of any other defective conditions present or likely to occur in the future, which have come to the adjuster's attention in conjunction with inspection of the vehicle and correction of specified defects.

(2) If the customer does not authorize additional repairs to correct other defects found during the inspection, the adjuster shall certify that only the specific defects listed on the enforcement form have been corrected.

(3) Only a licensed adjuster employed at an official adjusting station may sign an enforcement form as an official adjuster. The adjuster's license number, class, and official station number shall be included with the signature.

(4) Certification by a licensed adjuster on an enforcement form that a violation has been corrected shall include the date of correction, the station's and the adjuster's license numbers, and the adjuster's signature.

NOTE: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code. Reference: Sections 9887.1, 9888.2, 9889.16 and 9889.19, Business and Professions Code; and Section 40616, Vehicle Code.

HISTORY

1. Amendment of subsection (d) filed 8-16-73 as an emergency; effective upon filing (Register 73, No. 33).
2. Certificate of Compliance filed 12-4-73 (Register 73, No. 49).
3. Amendment filed 12-23-76; effective thirtieth day thereafter (Register 76, No. 52).

4. Amendment of subsection (d), repealer of subsection (e) and relettering and amendment of subsection (f) to subsection (e) filed 3–11–81; effective thirtieth day thereafter (Register 81, No. 11).
5. Amendment of subsection (d) filed 10–20–81; effective thirtieth day thereafter (Register 81, No. 43).
6. Amendment filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
7. Amendment of subsection (d) filed 7–12–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 28).
8. Amendment of subsection (d) filed 3–28–86; effective thirtieth day thereafter (Register 86, No. 13).
9. Editorial correction of printing error in subsection (d)(2) (Register 91, No. 6).
10. New subsection (d)(4) filed 10–23–91; operative 11–22–91 (Register 92, No. 35).
11. Amendment of subsection (d) filed 4–1–99; operative 4–1–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 14).
12. Editorial correction of subsection (d) (Register 99, No. 16).
13. Amendment of section heading and section filed 1–23–2007; operative 2–22–2007 (Register 2007, No. 4).

Article 4. Official Brake Adjusting Stations

§ 3320. Classes of Official Brake Adjusting Stations.

Classes of official brake adjusting stations are established as follows:

(a) Class A official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all vehicles.

(b) Class B official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all buses, trucks, truck tractors, trailers, and semitrailers.

(c) Class C official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all trucks or truck tractors having a manufacturer's gross vehicle weight rating of less than 10,000 pounds, all trailers and semitrailers that do not use compressed air or vacuum to actuate the brakes, and all passenger vehicles including motorcycles and motor-driven cycles.

NOTE: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code. Reference: Sections 9887.1, 9887.3 and 9888.2, Business and Professions Code.

HISTORY

1. Amendment filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
2. Amendment filed 1–23–2007; operative 2–22–2007 (Register 2007, No. 4).

§ 3321. Brake Adjusting Station Operation and Equipment Requirements.

The operation of official brake adjusting stations shall be subject to the following provisions:

(a) Each station shall be equipped with the following tools according to the class of station.

(1) All stations shall be equipped with:

(A) Suitable hand tools.

(B) A brake drum diameter gauge capable of measuring increments of 0.005 inch.

(C) A disc brake rotor thickness gauge capable of measuring increments of 0.001 inch.

(D) A disc brake rotor runout gauge capable of measuring increments of 0.001 inch.

(E) Brake lining gauges capable of measuring thickness of remaining usable brake lining either in fractions of an inch or in percentage of lining remaining.

(F) Torque wrenches capable of measuring torsion in accordance with vehicle manufacturer's installation and adjustment specifications.

(2) Class A and B stations shall be equipped with:

(A) A vacuum brake test kit with a gauge capable of measuring in inches of mercury

(B) An airbrake pressure test gauge accurate to ± 1 psi.

(b) Each station shall maintain in a location readily accessible to its licensed adjusters a current copy of the following:

(1) The bureau's *Handbook for Brake Adjusters and Stations*, referenced in subsection (a) of Section 3305 of this Chapter.

(2) All appropriate and current standards, specifications, directives, manuals, bulletins, and instructions issued by motor vehicle, brake, and brake equipment manufacturers that are applicable to vehicles for which the station adjusts brakes.

(3) Service manuals and operating instructions issued by the manufacturers for all brake inspection tools, instruments, machines, devices and equipment used by the station.

(c) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the bureau for a fee of three dollars and fifty cents (\$3.50) and shall not purchase or otherwise obtain such certificates from any other source. A licensed station shall not sell or otherwise transfer unused certificates of adjustment. Full payment is required at the time certificates are ordered. Certificates are not exchangeable following delivery. Issuance of a brake adjustment certificate shall be in accordance with the following provisions:

(1) When a brake adjustment certificate is issued to an applicant for an authorized emergency vehicle permit, the certificate shall certify that the vehicle has been road-tested and that the entire braking system meets all requirements of the Vehicle Code and bureau regulations.

(2) Where the entire brake system on any vehicle has been inspected or tested and found to be in compliance with all requirements of the Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate shall certify that the entire system meets all such requirements.

(3) When a customer asks for a certificate of brake adjustment in conjunction with clearance of an enforcement form, the adjuster may, if requested, inspect and certify only the portion of the brake system specified as defective on the enforcement form. Where the entire system has not been tested or inspected or one or more defects have been corrected, the certificate shall indicate which tests or inspections have been performed, or which defect or defects have been corrected.

(4) A certificate shall be valid for 90 days after its issuance to a consumer.

(d) After correcting specified defects, official brake adjusters shall certify that defects indicated on citations or other enforcement forms have been corrected.

(1) The adjuster shall inform the customer of any other defective conditions present or likely to occur in the future, which have come to the adjuster's attention in conjunction with inspection of the vehicle and correction of specified defects. The adjuster shall inform the customer of the percentage of braking material left on pads/shoes, as appropriate.

(2) If the customer does not authorize additional repairs to correct other defects found during the inspection, the adjuster shall certify that only the specific defects listed on the enforcement form have been corrected.

(3) Only a licensed adjuster employed at an official adjusting station may sign an enforcement form as an official adjuster. The adjuster's license number, the license class, and the official station license number shall be included with the signature.

(4) Certification by a licensed adjuster on an enforcement form that a violation has been corrected shall include the date of correction, the station's and the adjuster's license numbers, and the adjuster's signature.

NOTE: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code. Reference: Sections 9887.1, 9888.2 and 9889.16, Business and Professions Code; and Section 40616, Vehicle Code.

HISTORY

1. Amendment of subsection (c) filed 8–16–73 as an emergency, effective upon filing (Register 73, No. 33).
2. Certificate of Compliance filed 12–4–73 (Register 73, No. 49).

3. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
4. Amendment of subsection (c) filed 10–20–81; effective thirtieth day thereafter (Register 81, No. 43).
5. Amendment filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
6. Amendment of subsection (c) filed 7–12–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 28).
7. Amendment of subsection (c) filed 3–28–86; effective thirtieth day thereafter (Register 86, No. 13).
8. New subsection (c)(4) filed 10–23–91; operative 11–22–91 (Register 92, No. 35).
9. Amendment of subsection (c) filed 4–1–99; operative 4–1–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 14).
10. Amendment of section heading and section filed 1–23–2007; operative 2–22–2007 (Register 2007, No. 4).

Article 5. Official Motor Vehicle Pollution Control Device Installation and Inspection Stations [Repealed]

HISTORY

1. Repealer of article 5 (sections 3325–3330) filed 5–11–90; operative 6–10–90 (Register 90, No. 26). For prior history of sections 3328 and 3329, see Register 83, No. 9; for prior history of section 3330, see Register 77, No. 30.

Article 5.5. Motor Vehicle Inspection Program

§ 3340.1. Definitions.

In this article, unless the context otherwise requires:

- (a) “Heavy duty vehicle” means a vehicle with a manufacturer’s gross vehicle weight rating of 8501 pounds or more.
- (b) “Implementation area” means a geographical area, in which a local district has requested implementation of a biennial inspection program pursuant to section 44003 of the Health and Safety Code.
- (c) “Smog check station” or “station” means a smog check test–only station or smog check test–and–repair station licensed by the bureau in the smog check program.
- (d) “Smog check test–only station” or “test–only station” means a smog check station licensed by the bureau to test and inspect vehicles in the smog check program.
- (e) “Smog check test–and–repair station” or “test–and–repair station” means a smog check station licensed by the bureau to test, inspect, diagnose and repair vehicles in the smog check program.
- (f) “Smog check technician” or “technician” means an individual who holds one of the technician licenses specified in section 3340.28 of this article.
- (g) “Emissions inspection system” or “EIS” means a tamper–resistant instrument which meets the requirements of subdivision (b) of section 44036 of the Health and Safety Code and which is certified by the bureau for use in the California Smog Check program.
- (h) “Bureau” or “BAR” means the Bureau of Automotive Repair.
- (i) “Smog check program” or “program” means the motor vehicle inspection program conducted pursuant to section 44005 of the Health and Safety Code, and as hereby described in this article.
- (j) “ARD–exempt heavy–duty station” means a smog check test–and–repair station or a smog check test–only station that only tests and/or repairs commercial vehicles which have a gross vehicle weight rating of 10,000 pounds or greater.
- (k) “Enhanced area” or “Enhanced vehicle inspection and maintenance program area” means the smog check program conducted in any part of an urbanized area of the state which is classified by the Environmental Protection Agency as a serious, severe or extreme nonattainment area for ozone or a moderate or serious nonattainment area for carbon monoxide with a design value greater than 12.7 ppm.
- (l) “Basic area” or “Basic vehicle inspection and maintenance program area” means the smog check program conducted in any area of the state which is not classified as an enhanced vehicle inspection and maintenance program area.

(m) “Gaseous fuel” means fuel composed of propane, liquefied or compressed natural gas.

(n) “Supervising technician” means the licensed technician that performs the after repairs test of a vehicle that has failed an inspection at a smog check station.

(o) “After repairs test” means a test performed on a vehicle after repairs have been made to that vehicle as a result of failing an inspection at a smog check station.

(p) “Test–only facility” means a facility contracted by the bureau to test and inspect vehicles.

(q) “Gold Shield station” means a registered Automotive Repair Dealer who is also a smog check test–and–repair station which has been certified by the department and meets all the requirements specified in Article 10, of these regulations.

(r) “Comparative Failure Rate” or “CFR” means that the station’s failure rate, under the Gold Shield Program, must be comparable to the test–only station failure rate for all non–directed vehicles of the same model–year. The station’s failure rate, using initial tests, by model–year, of non–directed vehicles is applied to an industry–wide failure rate for test–only stations, calculated quarterly by smog check program area, using initial tests, by model–year, of non–directed vehicles inspected, and includes an allowable deviation to compensate for the random distribution of passing and failing vehicles based upon a 95 percent confidence level.

(s) “Non–directed vehicle” means a vehicle that was not required to be inspected at a test–only station pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code.

(t) “Clean piping,” for the purposes of Health and Safety Code section 44072.10(c)(1), means the use of a sample of the exhaust emissions of one vehicle in order to cause the EIS to issue a certificate of compliance for another vehicle.

(u) “Initial test” means the first Smog Check inspection of a vehicle done in official test mode or pre–test mode and performed within one hundred eighty (180) days prior to a registration renewal date or a change of ownership date for that vehicle. An initial test does not include tests that are aborted before completion or tests done in the training or manual modes of the EIS.

(v) “Vehicle Information Database” or “VID” means a centralized computer database and computer network, which is readily accessible by all licensed smog check technicians on a real time basis.

(w) “Repair Assistance” means a component of the Consumer Assistance Program (CAP) that provides financial assistance for emissions–related repairs to help eligible motor vehicle owners bring their vehicles into compliance with the requirements of the Smog Check Program.

(x) “Household” means a family of persons or any group of two or more unrelated persons that reside together and share common living expenses.

(y) “Vehicle Retirement” means a component of the Consumer Assistance Program (CAP) that provides payments to eligible motor vehicle owners who choose to voluntarily retire their vehicles from operation rather than make emissions–related repairs to bring the vehicles into compliance with the requirements of the Smog Check Program.

(z) “Dismantler” means an automobile dismantler, as defined in Section 220 of the Vehicle Code and licensed pursuant to Section 11500 of the Vehicle Code, who has contracted with the Bureau to retire vehicles from operation.

(aa) “Revivable Junk Receipt” means a receipt showing proof that the vehicle is recorded and titled as “junked” by the Department of Motor Vehicles.

(bb) “Vehicle Inspection Report” or “VIR” means an official smog check inspection report that is printed from an emissions inspection system and given to the registered vehicle owner(s) or their legal representative.

(cc) “Consumer Assistance Program” or “CAP” means a program

of the Bureau of Automotive Repair that provides eligible motor vehicle owners the options of Repair Assistance and Vehicle Retirement.

NOTE: Authority cited: Sections 44001.5, 44002, 44072.10, 44091 and 44095, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44014.5, 44017, 44017.1, 44030, 44036, 44037.1, 44056, 44062.1, 44070, 44072.10, 44092, 44093, 44094 and 44103, Health and Safety Code; Sections 220 and 11500, Vehicle Code; and Section 11505, Government Code.

HISTORY

1. New article 5.5 (sections 3340.1–3340.50.5) filed 3–23–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 12).
2. New subsection (j) filed 8–24–88; operative 9–23–88 (Register 88, No. 37).
3. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
4. New subsection (k) filed 5–11–90; operative 6–10–90 (Register 90, No. 26).
5. Repealer of subsection (e), subsection relettering, amendment of newly designated subsections (e) and (k), new subsections (l)–(o) and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
6. New subsection (p) and amendment of NOTE filed 8–17–95 as an emergency; operative 8–17–95 (Register 95, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–15–95 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 6–23–95 order including amendment of subsection (m) transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
8. Certificate of Compliance as to 8–17–95 order transmitted to OAL 12–15–95 and filed 1–25–96 (Register 96, No. 4).
9. Amendment of subsection (g) filed 4–29–96 as an emergency; operative 4–29–96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by 8–27–96 or emergency language will be repealed by operation of law on the following day.
10. Amendment of subsection (c) and (d), new subsection (e) and subsection relettering, repealer of previously designated subsection (f), and amendment of subsections (g), (k) and (l) filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 4–29–96 order transmitted to OAL 8–21–96 and filed 9–30–96 (Register 96, No. 40).
12. Editorial correction of subsection (p) (Register 97, No. 2).
13. Certificate of Compliance as to 7–26–96 order, including further amendment of subsection (g), transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).
14. New subsections (q) and (r) and amendment of NOTE filed 4–23–97 as an emergency; operative 4–23–97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–21–97 or emergency language will be repealed by operation of law on the following day.
15. Certificate of Compliance as to 4–23–97 order, including new subsections (s)–(t) and further amendment of NOTE, transmitted to OAL 8–19–97 and filed 9–30–97 (Register 97, No. 40).
16. New subsections (u)–(x) and amendment of NOTE filed 10–30–98 as an emergency; operative 10–30–98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–1–99 or emergency language will be repealed by operation of law on the following day.
17. New subsections (ad)–(ag) and amendment of NOTE filed 12–3–98 as an emergency; operative 12–3–98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–2–99 or emergency language will be repealed by operation of law on the following day.
18. New subsections (u)–(x) and amendment of NOTE refiled 2–25–99 as an emergency; operative 3–1–99 (Register 99, No. 9). A Certificate of Compliance must be transmitted to OAL by 6–29–99 or emergency language will be repealed by operation of law on the following day.
19. New subsections (ad)–(ag) and amendment of NOTE refiled 3–30–99 as an emergency; operative 4–2–99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–99 or emergency language will be repealed by operation of law on the following day.
20. Certificate of Compliance as to 2–25–99 emergency, including amendment of subsection (x) and NOTE, transmitted to OAL 3–18–99 and filed 4–15–99; effective 5–1–99 (Register 99, No. 16).
21. New subsections (ad)–(ag) and amendment of NOTE refiled 7–26–99 as an emergency; operative 8–2–99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–30–99 or emergency language will be repealed by operation of law on the following day.
22. Certificate of Compliance as to 7–26–99 order, including further amendment of subsections (ad)–(ag) and NOTE, transmitted to OAL 11–18–99 and filed 1–3–2000 (Register 2000, No. 1).
23. Amendment of subsection (v) and repealer of subsection (w) filed 3–27–2000 as an emergency; operative 3–27–2000 (Register 2000, No. 13). A Certificate of Compliance must be transmitted to OAL by 7–25–2000 or emergency language will be repealed by operation of law on the following day.
24. Amendment of subsection (v), repealer of subsection (af), redesignation and amendment of subsections (x)–(ag) as subsections (w)–(z), new subsection (aa) and amendment of NOTE filed 6–26–2000 as an emergency; operative 7–1–2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–30–2000 or emergency language will be repealed by operation of law on the following day.
25. Amendment of subsection (v), repealer of subsection (af), redesignation and amendment of subsections (x)–(ag) as subsections (w)–(z), new subsection (aa) and amendment of NOTE refiled 10–30–2000 as an emergency; operative 10–30–2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–27–2001 or emergency language will be repealed by operation of law on the following day.
26. Certificate of Compliance as to 10–30–2000 order, including further amendment of subsections (v)–(y), new subsection (z), subsection relettering, and amendment of newly designated subsection (bb), transmitted to OAL 2–9–2001 and filed 3–27–2001 (Register 2001, No. 13).
27. Amendment of subsection (g), new subsection (t), subsection relettering and amendment of NOTE filed 3–3–2003; operative 4–2–2003 (Register 2003, No. 10).
28. Amendment of subsection (q), repealer and new subsections (r) and (s), new subsection (u), repealer of former subsection (v) and subsection relettering filed 4–28–2003; operative 5–28–2003 (Register 2003, No. 18).
29. Editorial correction restoring inadvertently omitted subsection (h) (Register 2006, No. 19).
30. Amendment of subsections (c)–(g), (i)–(j), (q)–(v) and (bb)–(cc) filed 5–30–2006; operative 6–29–2006 (Register 2006, No. 22).

§ 3340.5. Vehicles Exempt from Inspections.

(a) In addition to the vehicles exempted from the program by section 44011 of the Health and Safety Code, the following vehicles are exempted:

- (1) any two cylinder vehicle.
- (2) any vehicle powered exclusively by electricity.
- (3) any two-cycle powered vehicle.
- (4) any vehicle powered by diesel fuel until December 31, 2009.

(b) Vehicles powered by liquid petroleum gas or liquid natural gas are not exempt from the program.

(c) On and after January 1, 2010, 1998 model year and newer diesel-powered vehicles, with a gross vehicle weight rating up to and including 14,000 pounds, are not exempt from the program.

NOTE: Authority cited: Sections 44002 and 44011, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44011, Health and Safety Code.

HISTORY

1. New subsection (c) filed 3–28–86; effective thirtieth day thereafter (Register 86, No. 13).
2. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
3. Amendment of subsection (a)(2) and new subsections (a)(4) and (c) filed 12–16–2009; operative 12–16–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 51).

§ 3340.6. Vehicles Subject to Inspection upon Change of Ownership and Initial Registration in California.

This program shall not replace any requirements contained in Sections 4000.1 and 4000.2 of the Vehicle Code for inspection upon change of ownership or initial registration in California.

NOTE: Authority cited: Section 44002, Health and Safety Code; and sections 4000.1 and 4000.2, Vehicle Code. Reference: Sections 44005 and 44011, Health and Safety Code.

HISTORY

1. Editorial correction of printing error inadvertently omitting Authority and Reference (Register 91, No. 6).

§ 3340.7. Fee for Inspection at State-Contracted Test-Only Facility.

(a) The fee for an inspection at a test-only facility operating under the contract in existence on the effective date of this section shall be as negotiated with the department, and shall not exceed the

department's actual cost of the test-only service. This fee shall remain operative in all regions of the state until implementation of subsection (b). Thereafter, the inspection fees shall be as provided in subsection (b).

(b) Upon commencement of testing by a contractor pursuant to an amended contract, or a new contract developed in the competitive bidding process, the fee for inspection at test-only facilities operated by the contractor shall be the fee as negotiated with the department.

(c) The department shall publish notice of each negotiated inspection fee, initially and as it may subsequently be modified, in one or more newspapers of general circulation in each region of the state in which the contractor's test-only facilities are to charge the fee. The department may also publish such notice in the California Regulatory Notice Register.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44014.5 and 44015, Health and Safety Code.

HISTORY

1. New section filed 8–17–95 as an emergency; operative 8–17–95 (Register 95, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–15–95 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of subsection (b) (Register 96, No. 4).
3. Certificate of Compliance as to 8–17–95 order transmitted to OAL 12–15–95 and filed 1–25–96 (Register 96, No. 4).

§ 3340.8. Economic Hardship Extension. [Repealed]

NOTE: Authority cited: Sections 44002, 44015.3 and 44060, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44014.5, 44015, 44017, 44060 and 44062.1, Health and Safety Code; and Section 11519, Vehicle Code.

HISTORY

1. New section filed 11–20–95 as an emergency; operative 11–20–95 (Register 95, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–19–96 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of subsection (a) (Register 96, No. 14).
3. Certificate of Compliance as to 11–20–95 order, including amendment of subsection (e), transmitted to OAL 3–8–96 and filed 4–5–96 (Register 96, No. 14).
4. Repealer filed 10–30–98 as an emergency; operative 10–30–98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–1–99 or emergency language will be repealed by operation of law on the following day.
5. Repealer refiled 2–25–99 as an emergency; operative 3–1–99 (Register 99, No. 9). A Certificate of Compliance must be transmitted to OAL by 6–29–99 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2–25–99 emergency transmitted to OAL 3–18–99 and filed 4–15–99; effective 5–1–99 (Register 99, No. 16).

§ 3340.9. Repair Assistance Program. [Renumbered]

NOTE: Authority cited: Sections 44001.5, 44002 and 44095, Health and Safety Code. Reference: Sections 44014.7, 44015, 44017, 44017.1, 44020, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section and Form RAP–APP filed 10–30–98 as an emergency; operative 10–30–98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 3–1–99 or emergency language will be repealed by operation of law on the following day.
2. New section and Form RAP–APP refiled 2–25–99 as an emergency; operative 3–1–99 (Register 99, No. 9). A Certificate of Compliance must be transmitted to OAL by 6–29–99 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 2–25–99 emergency, including amendment of subsections (b)(2)–(3) and (b)(5)(A)–(B) and new version of form RAP–

APP, transmitted to OAL 3–18–99 and filed 4–15–99; effective 5–1–99 (Register 99, No. 16).

4. Amendment of section heading, section and NOTE, and repealer and new forms filed 3–27–2000 as an emergency; operative 3–27–2000 (Register 2000, No. 13). A Certificate of Compliance must be transmitted to OAL by 7–25–2000 or emergency language will be repealed by operation of law on the following day.
5. Renumbering of former section 3340.9 (including Form RAP–APP) to section 3394.6 filed 6–26–2000 as an emergency; operative 7–1–2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–30–2000 or emergency language will be repealed by operation of law on the following day.
6. Renumbering of former section 3340.9 (including Form RAP–APP) to section 3394.6 refiled 10–30–2000 as an emergency; operative 10–30–2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–27–2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10–30–2000 order transmitted to OAL 2–9–2001 and filed 3–27–2001 (Register 2001, No. 13).

§ 3340.10. Licensing of Smog Check Stations.

A registered automotive repair dealer may be licensed as a smog check station in accordance with the following:

(a) Application. An applicant for an initial or renewal license shall submit an application to the bureau on form R–12 (6/96) "Application for Smog Check Station License" along with the fee required in subsection (b).

(b) Fees. Fees are established as follows:

- (1) Initial license fee—\$100.00.
- (2) Renewal license fee if submitted on or before the date of license expiration—\$100.00.
- (3) Delinquency fee if a renewal license fee is submitted after the date of license expiration—\$50.00, which shall be assessed in addition to the \$100.00 renewal license fee.

(c) Term of License. A station license shall expire one year from the last day of the month in which the license was issued unless renewed, suspended, rescinded, or terminated by operation of law. The bureau may advance the expiration date to correspond with the automotive repair dealer's registration expiration date. A licensee whose license has expired shall immediately cease to inspect, test, diagnose or repair vehicles or issue certificates as part of the smog check program.

(d) Inspection. An inspection of the applicant's facility shall be made by a representative of the bureau. A license may be issued only for an applicant that meets the qualifications prescribed in this article.

(e) Replacement License. In determining whether a fee is required for a replacement license, the definitions given in section 3306(c)(1) and (2) of this chapter shall apply.

(1) In the event of a change of name or address of a licensee, a new application shall be submitted to the bureau and no fee will be required.

(2) In the event of a change of ownership of a licensed business, a new application and a license fee of \$100.00 shall be submitted to the bureau.

(3) In the event a license is lost, destroyed, or mutilated, application shall be made to the bureau for a duplicate license. The person to whom the license was issued shall furnish satisfactory proof of licensure. Upon receipt of application, the bureau shall issue a duplicate license for the unexpired term of the license. Any lost license that is later found shall be returned to the bureau.

(f) No person shall operate a smog check station unless a license to do so has been issued by the department.

STATE OF CALIFORNIA — STATE AND CONSUMER SERVICES AGENCY

GEORGE DEUKMEJIAN, Governor

STATE OF CALIFORNIA
DEPARTMENT OFBUREAU OF AUTOMOTIVE REPAIR
10240 SYSTEMS PARKWAY, SACRAMENTO, CA 95827

APPLICATION FOR SMOG CHECK STATION LICENSE

☐ Biennial Area☐ Change of Ownership Area

Owner (Please Print)(Last)(First)(Middle)		Soc. Sec. #	Driver's Lic. #
Doing Business As (Business Name)			
Business Address (Number, Street, Suite #)			
City		Zip	
California			
Mailing Address (Number, Street, Suite #)			
City		State	Zip
Business Telephone Number ()	ARD Number	Smog Related Lic. #	
Licensed Inspector's Name (Last, First, Middle)		Inspector's #	Driver's Lic. #
Qualified Mechanic's Name (Last, First, Middle)			Qual. Mec. #

BUREAU USE ONLY

License #	Date Issued
Receipt Number	
District	Expiration Date
<p>\$100.00 Fee — Check or Money Order ONLY <u>Do Not</u> <u>Send Cash.</u></p> <p>Renewal Due at Time of ARD Registration Renewal.</p>	

Type of Station: ☐ Test/Repair ☐ Test Only

APPLICANT'S BACKGROUND — (If application is for renewal, complete B, C, & D only)

(Check One)

	Yes	No
A. Have you ever previously been issued any license, other than those listed above by this department? If YES, explain below.		
B. Have you ever had any license denied, suspended or revoked by this department or any other state agency? If YES, explain below.		
C. Have you ever been issued a citation by the bureau? If YES, explain below.		
D. Have you ever been convicted of any offense? (Traffic violations involving fines or forfeiture of bail need not be reported). If YES, explain below.		
E. Explain YES answers and list all previous license numbers here. _____ _____ _____		

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT AND THAT I HAVE THE EQUIPMENT NOTED ON THE BACK OF THIS APPLICATION AS "REQUIRED EQUIPMENT".

Signature of Applicant	Date
------------------------	------

INSTRUCTIONS FOR STATION LICENSE APPLICATION

Before we can issue a station license to you, we must have information required by Section 44030 of the Health and Safety Code. The Chief of the Bureau of Automotive Repair is responsible for maintaining the information you provide. The information may be transferred to other governmental agencies if the agencies need it to perform their legally required duties. You have the right to review the records maintained on you by this bureau, unless the records are identified as confidential information and exempted in Section 1798.3 of the Information Practices Act.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE BUREAU BEFORE THE LICENSE CAN BE ISSUED. THE FORM IS COMPLETED AS FOLLOWS:

OWNER: Owner's Name, Social Security Number and California Driver's License Number. If business is a partnership, provide federal identification number.

DOING BUSINESS AS: Name of the business as listed on the Auto Repair Dealer registration certificate.

BUSINESS ADDRESS: Complete address where the business is being conducted.

MAILING ADDRESS: Complete address where the business receives its mail.

BUSINESS TELEPHONE NUMBER: Telephone number of the business, including area code.

ARD NUMBER: Current Auto Repair Dealer registration number.

RELATED SMOG LICENSE #: List all previously issued Smog related (MVPC or Smog Check) Station License number(s).

LICENSED INSPECTOR: Name, Inspector's License Number and Driver's License Number of Licensed Inspector(s).

REQUIRED EQUIPMENT: All of the Required Equipment listed below must be on the premises in proper working order and in calibration in accordance with the type of station license applied for.

A "Test Only" station should have all testing equipment and manuals to test and/or inspect all affected vehicles including but, not limited to: BAR-approved Exhaust Gas Analyzer", Tachometer (may be part of analyzer), Ignition Timing Light with advance tester, Vacuum Pump, equipment to retrieve trouble codes from on-board computers, Fillpipe Restrictor Dowel, Emission Control System Application Guide and Vacuum Routing Diagram, and BAR bulletins and publications as appropriate.

In addition to the equipment for "Test Only" stations, a "Test/Repair" station is required to have engine diagnostic & repair tools for diagnosing and repairing ignition, fuel, and emission control systems and related components for each vehicle type that the station works on. This includes, but is not limited to the following: Ignition Analyzer/Oscilloscope, Cam Angle (Dwell) Meter, Digital Volt/Ohmmeter, Vacuum-pressure Gauge, Artificial Enrichment (Propane Gain) Tool**, and Emission Control Service & Repair Manuals.

Stations performing biennial smog inspections are required to use a BAR-90 analyzer as of 7/1/90 pursuant to Section 44036 of the Health and Safety code. Stations in geographic areas where only change of ownership inspections are performed may retain the use of a BAR-80 or BAR-84 analyzer until 1/1/92, at which time a BAR-90 analyzer is required.

Emission Control Application Guide for the following years are required: 1966 to current for domestic vehicles; 1968 to current for foreign cars and trucks. Emission Control Tune-Up, Diagnostic and Repair Manuals are required for types of vehicles tested and repaired at station.

Stations should be aware that bar code reader may be a required addition to BAR-90 Analyzer after program start-up.

APPLICANT'S BACKGROUND: This Section must be Completed in its entirety. Any applicable information not provided may result in denial of this application of legal action later to revoke this license.

SIGNATURE: Sign and date the application. Your signature affirms that all required equipment and manuals are present and in satisfactory condition and that all statements are true and correct. Any false statements made on this application may result in denial of the application or legal action later to revoke this license.

FEE: PLEASE ENCLOSE \$100.00 APPLICATION FEE, CHECK OR MONEY ORDER, WITH YOUR COMPLETED APPLICATION.

DO NOT SEND CASH

Figure 1 (Back)

NOTE: Authority cited: Sections 44002 and 44034, Health and Safety Code; and Sections 163.5 and 9882, Business and Professions Code.

Reference: Sections 44030, 44033 and 44034, Health and Safety Code.

HISTORY

1. Amendment of subsections (b) and (c)(2) filed 6-21-89; operative 6-21-89 (Register 89, No. 25).
2. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
3. Amendment of subsections (a) and (c) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-26-96 order, including further amendment of subsection (c), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

§ 3340.15. General Requirements for Smog Check Stations.

A smog check station shall meet the following requirements for licensure and shall comply with these requirements at all times while licensed.

(a) The testing and repairing of vehicles shall be performed only in a work area of the station that has been approved by the bureau during the licensing inspection. Other work may be performed in the approved area, as desired. Except for heavy-duty vehicles, the work area shall be within a building and shall be large enough to accommodate the type of vehicle being serviced. In the case of the testing and repair of heavy-duty vehicles the work area need not be in a building, but the emissions inspection system used at the station may only be used within a building. The work area shall be kept clean and orderly.

(b) During all hours the station is open for the business of testing and/or repairing vehicles pursuant to the Smog Check Program, a technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, shall be present.

(c) A smog check station shall not have in its employ more than two intern technicians at any given time. The repairs or adjustments made by intern technicians at smog check stations to emissions control systems on vehicles subject to the Smog Check Program shall be performed under the direction of a supervising technician that is on the premises of the smog check station at the time of the repair or adjustment.

(d) The station license and technician licenses shall be posted prominently under glass or other transparent material in an area frequented by customers.

(e) The station shall post conspicuously in an area frequented by customers a list of price ranges for the specific activities for which it is licensed. The posted prices shall include the price charged by the station for inspections, and, if a separate price is charged for reinspections, the reinspection price. The station shall also post the inspection prices for vans and/or heavy-duty vehicles if those prices differ from the passenger car inspection price. If the station imposes an hourly labor charge for repairs, the hourly labor rate shall be posted. The price of issuance of a certificate of compliance or noncompliance charged by the bureau shall be posted separately from the price of the inspection and of the reinspection, if any.

(f) The station shall make, keep secure, and have available for inspection on request of the bureau, or its representative, legible records showing the station's transactions as a licensee for a period of not less than three years after completion of any transaction to which the records refer. All records shall be open for reasonable inspection and/or reproduction by the bureau or its representative. Station records required to be maintained shall include copies of:

- (1) All certificates of compliance and certificates of noncompliance in stock and/or issued,
- (2) Repair orders relating to the inspection and repair activities, and
- (3) Vehicle inspection reports generated either manually or by the emissions inspection system.

The above listed station records shall be maintained in such a manner that the records for each transaction are kept together, so as to facilitate access to those records by the bureau or its representative. In this regard, the second copy of an issued certificate shall be attached to the final invoice record.

(g) A smog check station shall be open and available to the general public for Smog Check Program services.

(h) A smog check station shall afford the bureau or its representative reasonable access during normal business hours to the station for the bureau's quality assurance efforts to evaluate the effectiveness of tests and/or repairs made to vehicles subject to the Smog Check Program.

(i) A licensed smog check station shall not sublet inspections or repairs required as part of the Smog Check Program, except for the following:

(1) Repairs of a vehicle's exhaust system which are normally performed by muffler shops, provided that the malfunction has been previously diagnosed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

(2) Repairs of those individual components that have been previously diagnosed as being defective and that have been removed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

(3) Repairs of diesel-powered vehicles provided the specific smog check station has obtained authorization from the customer to sublet repairs to the vehicle.

(4) Repairs to a vehicle's transmission provided the specific smog check station has obtained authorization from the customer to sublet repairs to the vehicle.

(5) Corrections to the vehicle's on-board computer systems' software provided that the malfunction has been previously diagnosed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

(j) With respect to the sublet of repairs, the smog check station originally authorized by the customer to perform the repairs shall be responsible for any repair in the same manner as if station or its employees had done the repair.

NOTE: Authority cited: Section 44002 and 44030, Health and Safety Code; and Section 9882 and 9884.9(b), Business and Professions Code. Reference: Sections 44014, 44030, 44032, 44033, 44036, 44037 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (g) and repealer of subsection (h) filed 3-28-84; effective thirtieth day thereafter (Register 86, No. 13).
2. Amendment of subsection (d) filed 8-24-88; operative 9-23-88 (Register 88, No. 37).
3. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
4. Editorial correction of printing error in subsection (g) (Register 91, No. 6).
5. Amendment of subsection (e) filed 10-23-91; operative 11-22-91 (Register 92, No. 35).
6. Amendment of subsection (d) filed 8-18-92; operative 9-17-92 (Register 92, No. 37).
7. Repealer of subsection (b), subsection relettering, amendment of newly designated subsection (b), new subsection (c), and amendment of subsection (d) and NOTE filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
9. New subsections (h)-(i)(2) and amendment of NOTE filed 4-15-97 as an emergency; operative 4-15-97 (Register 97, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-13-97 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of HISTORY 9 (Register 97, No. 29).
11. Certificate of Compliance as to 4-15-97 order, including amendment of subsections (i)-(i)(2), transmitted to OAL 8-11-97 and filed 9-18-97 (Register 97, No. 38).
12. Amendment of subsection (a) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).
13. Change without regulatory effect amending section filed 10-11-2006 pursuant to section 100, title I, California Code of Regulations (Register 2006, No. 41).
14. New subsections (i)(3)-(j) and amendment of NOTE filed 12-16-2009; operative 12-16-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 51).

§ 3340.16. Test-Only Station Requirements.

(a) A smog check test-only station operating in other than an

enhanced program area shall have all testing equipment and emission application and reference manuals necessary to test and/or inspect all affected vehicles, including the following:

(1) An emissions inspection system, in accordance with the bureau's BAR-97 Emissions Inspection System Specifications as provided in subsection (a) of section 3340.17 of this article.

(2) An ignition timing light, which measures ignition advance.

(3) A hand vacuum pump and a vacuum gauge.

(4) Basic hand tools necessary to inspect vehicle ignition, fuel delivery, and emission control systems.

(5) A device capable of retrieving trouble codes from vehicles with on-board computers, along with instructions on how to extract codes, and definitions of codes found.

(6) The most currently available emission control system application information as contained in any of the nationally distributed and periodically updated manuals that address emission control systems applications; vacuum routing diagrams for all vehicles being tested; electronic component location manuals; and specifications for those functional tests currently prescribed by the bureau.

(7) The most currently available bureau manuals and bulletins.

(8) An evaporative emission control inspection system that meets subsections (a) through (h) and (j) of section 2.8 of the emissions inspection system specifications referenced in subsection (b) of section 3340.17 of this Article.

(9) Low-pressure fuel evaporative test equipment that has been certified by the bureau as compliant with the *Low-Pressure Fuel Evaporative Tester* (LPFET) Specifications dated October 2006 and hereby incorporated by reference. The test equipment shall be maintained and calibrated in accordance with the LPFET Specifications referenced in this paragraph and in accordance with the manufacturer's specifications. Vehicle data low-pressure fuel evaporative test results shall be transmitted to a database specified by the department in accordance with the procedures contained in the LPFET Specifications referenced in this paragraph, which include the form, manner and frequency of data transmittals.

(b) A smog check test-only station operating in an enhanced program area shall have all of the equipment and materials specified by and conform to the requirements of subsection (a) above, except for paragraphs (1) and (5), and an emissions inspection system in accordance with the bureau's BAR-97 Emissions Inspection System Specifications as provided in subsection (b) of section 3340.17 of this article. A smog check test-only station operating in an enhanced area shall have a tire pressure gauge capable of accurately measuring tire pressure at the specification for the vehicles being tested and inspected using the loaded-mode test procedure.

(c) A smog check test-only station shall post conspicuously, in an area frequented by consumers, a notice to the effect that the station is licensed to test vehicles only, and cannot make any required diagnosis or repairs to a vehicle which has failed a smog check test.

(d) A smog check test-only station shall not engage in any automotive repair work.

(e) No smog check test-only station may refer a vehicle owner to a particular automotive repair dealer or provider of smog check repair services. The test-only station shall make available to each customer a list prepared by the bureau of all smog check stations in that region licensed to make repairs of vehicular emission control systems, which shall include licensed stations certified under the Gold Shield program. Stations and technicians are prohibited from altering or revising the list supplied by the bureau. For the purpose of this subsection, the term "make available" means to grant access to.

(f) A smog check test-only station shall not have ownership in, corporate interest in, nor any financial interest in a smog check test-and-repair station within a geographical radius of 50 statute miles of the test-only station.

NOTE: Authority cited: Sections 44001.5, 44002, 44013 and 44036, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44010, 44012, 44013, 44014, 44014.5, 44015, 44017.1, 44033, 44036 and 44037.1, Health and Safety Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
2. New subsection (c) filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
3. Editorial correction of HISTORY 2. (Register 90, No. 45).
4. Amendment of subsection (a)(5) filed 10-23-91; operative 11-22-91 (Register 92, No. 35).
5. Amendment of section heading filed 8-18-92; operative 9-17-92 (Register 92, No. 37).
6. Amendment of subsections (a)-(a)(5), new subsections (a)(9) and (b) and subsection relettering, and amendment of newly designated subsection (c) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
7. Editorial correction of subsection (a)(3) (Register 97, No. 2).
8. Certificate of Compliance as to 7-26-96 order, including further amendment of subsection (a)(5) and repealer of subsection (a)(9), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
9. Amendment of section heading and subsection (a)(6)(B), repealer and new subsection (d), new subsections (e) and (f) and amendment of NOTE filed 4-15-97 as an emergency; operative 4-15-97 (Register 97, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-13-97 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of HISTORY 9 (Register 97, No. 29).
11. Editorial correction of subsection (f) (Register 97, No. 38).
12. Certificate of Compliance as to 4-15-97 order transmitted to OAL 8-11-97 and filed 9-18-97 (Register 97, No. 38).
13. New subsection (a)(9) filed 11-12-98 as an emergency; operative 11-12-98 (Register 98, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-12-99 or emergency language will be repealed by operation of law on the following day.
14. Editorial correction repositioning subsection (a)(9) (Register 98, No. 47).
15. Certificate of Compliance as to 11-12-98 order transmitted to OAL 3-10-99 and filed 4-21-99 (Register 99, No. 17).
16. Amendment of subsections (a)(6)(A)-(E), (a)(7) and (b) filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).
17. Amendment of subsections (a)(1), (a)(9) and (b) filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.
18. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).
19. Amendment of subsections (a), (a)(1) and (b) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).
20. Editorial correction of subsection (e) (Register 2004, No. 22).
21. Amendment of section and NOTE filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22).
22. New subsection (a)(10) and amendment of NOTE filed 8-1-2007; operative 8-1-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 31).
23. Repealer of subsections (a)(6)-(a)(6)(F), subsection renumbering and amendment of newly designated subsection (a)(9) filed 12-16-2009; operative 12-16-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 51).

§ 3340.16.5. Test-and-Repair Station Requirements.

(a) A smog check test-and-repair station operating in a basic area shall have the equipment and materials specified by, and conform to the requirements of, subsection (a) of section 3340.16 of this article and, in addition, shall have engine diagnostic equipment and repair tools that are capable of diagnosing and repairing engine ignition systems, fuel systems, emission control systems, computer engine control systems, and other related components for each vehicle type that the station diagnoses and repairs. The equipment or repair tools may be separate units, or part of a multi-functional unit. At a minimum, the station shall have the following materials, tools, and equipment:

(1) An ignition analyzer or ignition oscilloscope capable of displaying ignition system operation of vehicles subject to the smog check program. At a minimum, the device shall display:

(A) Primary ignition system voltage and coil oscillations; and

(B) Firing voltage and spark duration of the secondary ignition in

either analog or digital form. For distributor-equipped systems, the device shall be capable of displaying this information for all cylinders at the same time.

- (2) A compression tester.
- (3) A tachometer/dwell meter.
- (4) A fuel pressure gauge capable of measuring the higher pressures of fuel-injected vehicles.
- (5) A propane enrichment kit.
- (6) An ammeter capable of measuring amps and milliamps.
- (7) A high impedance digital volt/ohmmeter.
- (8) Hand tools necessary to adjust, maintain, and repair vehicular ignition, fuel delivery, and emission control systems.
- (9) Diagnostic and repair information for all vehicles being tested and repaired. Such information may be in printed or electronic form and may be nationally distributed and periodically updated references that contain repair and emission procedures. These references must be up to date and include current model year supplements for automobile emission control systems. Electronic references shall be provided in printed form upon request from the bureau.

(10) The most currently available bureau test and repair manuals.

(11) Automotive computer diagnostic and repair manuals.

(12) Electronic component location manuals.

(13) A device capable of retrieving trouble codes from vehicles with on-board computers, along with instructions on how to extract codes, and definitions of codes. This device shall have the ability to display and store data streams from the on-board computer systems of vehicles. The device shall be On-Board Diagnostic II compliant, and shall have the Enhanced E/E Diagnostic Test Modes capabilities as noted in the Society of Automotive Engineers' document number J2190 dated June 1993. Diagnostic data modules required to operate the device shall be kept updated to the current available calendar year.

(b) A smog check test-and-repair station operating in an enhanced area shall have all of the equipment and materials specified by, and conform to the requirements of subsection (a) above, and:

(1) An emissions inspection system in accordance with the bureau's BAR-97 Emissions Inspection System Specifications as provided in subsection (b) of section 3340.17 of this article.

(2) An electronic device capable of graphically displaying any electrical or electronic signal used by an automotive computer system. The device shall have the capability of displaying the electrical or electronic signal using a voltage and time scale that is adjustable. The device shall have the capability of capturing and displaying a high frequency abnormal signal, regardless of time per division setting, or screen refresh rate. This device may be a separate unit, or be part of a multifunctional unit that also serves to fulfill one or more of the requirements of subsection (a) above.

(3) A tire pressure gauge capable of accurately measuring tire pressure at the specification for the vehicles being tested and inspected using the loaded mode test procedure.

(c) A smog check test-and-repair station that has accepted a vehicle for inspection shall disclose both orally and in writing on the written estimate provided pursuant to Section 9884.9 of the Business and Professions Code, before the initial inspection of the vehicle, if the vehicle is potentially affected by any of the following conditions:

(1) The station does not have adequate equipment, personnel, tools or reference materials to repair the vehicle, should the vehicle fail its inspection; or

(2) The station, as a matter of policy, does not repair certain types, makes or models of vehicles; or

(3) The station, as a matter of policy, does not repair certain types of vehicle inspection failures.

(d) Smog check test-and-repair stations shall not refer a vehicle owner to a particular test-only station for the testing and certification of a vehicle that has been directed to a test-only station for its biennial smog check pursuant to Section 44010.5 and 44014.7 of the Health and Safety Code. Test-and-repair stations shall make available to

each customer that presents a test-only directed vehicle for initial testing a list prepared by the bureau of those smog check test-only stations in that region licensed to perform initial tests of, and to certify test-only directed vehicles. Stations and technicians are prohibited from altering or revising the list supplied by the bureau. For the purpose of this subsection, the term "make available" means to grant access to.

(e) A smog check test-and-repair station shall not have ownership in, corporate interest in, nor any financial interest in a smog check test-only station within a geographical radius of 50 statute miles of the test-and-repair station.

NOTE: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012, 44030(b) and 44036(b), Health and Safety Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
2. New subsection (a)(8) and subsection renumbering filed 10-23-91; operative 11-22-91 (Register 92, No. 35).
3. Amendment of section heading and subsection (a) filed 8-18-92; operative 9-17-92 (Register 92, No. 37).
4. Repealer of subsection (c) and amendment of NOTE filed 4-29-96 as an emergency; operative 4-29-96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (a) and (a)(3), repealer of subsection (a)(5) and subsection renumbering, amendment of newly designated subsections (a)(6)-(a)(9), new subsections (a)(11)-(b)(2) and subsection relettering filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 4-29-96 order transmitted to OAL 8-21-96 and filed 9-30-96 (Register 96, No. 40).
7. Editorial correction of subsection (a)(8) (Register 97, No. 2).
8. Certificate of Compliance as to 7-26-96 order, including further amendment of subsection (a), repealer of subsection (a)(13) and amendment of subsection (b)(2), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
9. Amendment of section heading and subsections (a) and (c), and new subsection (d) filed 4-15-97 as an emergency; operative 4-15-97 (Register 97, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-13-97 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of HISTORY 9 (Register 97, No. 29).
11. Certificate of Compliance as to 4-15-97 order transmitted to OAL 8-11-97 and filed 9-18-97 (Register 97, No. 38).
12. New subsections (a)(13) and (b)(3) filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).
13. Amendment of subsections (a)-(a)(1), new subsections (a)(1)(A)-(B), amendment of subsection (b)(2) and amendment of NOTE filed 11-27-2001; operative 12-27-2001 (Register 2001, No. 48).
14. Amendment of subsection (b)(1) filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.
15. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).
16. Amendment of section and NOTE filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22).

§ 3340.16.6. Requirement for Telephone Line. [Repealed]

NOTE: Authority cited: Sections 44002 and 44036(b), Health and Safety Code. Reference: Sections 44012 and 44036(b), Health and Safety Code.

HISTORY

1. New section filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
2. Amendment filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).
3. Repealer filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22).

§ 3340.16.7. Test Equipment and Electronic Transmission Requirements. [Repealed]

NOTE: Authority cited: Section 44002, 44036 and 44037.1, Health and Safety Code. Reference: Sections 44012, 44036(b) and 44037.1, Health and Safety Code.

HISTORY

1. New section filed 4-29-96 as an emergency; operative 4-29-96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by

8–27–96 or emergency language will be repealed by operation of law on the following day.

2. Amendment of subsection (a) and repealer and new subsection (b) filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 4–29–96 order transmitted to OAL 8–21–96 and filed 9–30–96 (Register 96, No. 40).
4. Certificate of Compliance as to 7–26–96 order transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).
5. Repealer filed 2–15–2002 as an emergency; operative 2–15–2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–17–2002 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2–15–2002 order transmitted to OAL 6–13–2002 and filed 7–26–2002 (Register 2002, No. 30).

§ 3340.17. Test Equipment, Electronic Transmission, Maintenance and Calibration Requirements.

(a) Each smog check station operating in other than an enhanced program area shall have a BAR certified emissions inspection system, as specified in subsection (b), except that the hardware and the software necessary to conduct dynamometer based, loaded-mode emissions shall not be required. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in the specifications referenced in subsection (b), which include the form, manner and frequency of data transmittals. The emissions inspection system shall be maintained and calibrated in accordance with the specifications referenced in subsection (b), and in accordance with the manufacturer's specifications. The emissions inspection system shall have the most current software and hardware updates required by the bureau.

(b) Each smog check station operating in an enhanced area shall have a BAR-certified emissions inspection system that meets the specifications contained in the BAR–97 Emissions Inspection System Specifications dated May 1996, as revised through July 2009, hereby incorporated by reference. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in these specifications, which include the form, manner and frequency of data transmittals. The emissions inspection system shall be maintained and calibrated in accordance with the bureau's BAR–97 Emissions Inspection System Specifications referenced in this subsection, and in accordance with the manufacturer's specifications. The emissions inspection system shall have the most current software and hardware updates required by the bureau.

(c) All other diagnostic and repair equipment shall be maintained in good working condition. All equipment requiring calibration or adjustment shall be calibrated or adjusted in accordance with the instructions of the manufacturer, as approved by the bureau.

(d) An emissions inspection system shall only be used within a building and shall not be used in an environment that would subject the emissions inspection system to excessive heat, cold, dust, or moisture. The specifications for environmental conditions are referenced in the bureau's "BAR Exhaust Gas Analyzer Specifications" dated 1980, as herein incorporated by reference, and in the BAR–97 Emissions Inspection System Specifications referenced in subsection (b) of this section.

(e) Emissions inspection systems shall be calibrated only with BAR-approved gases that are certified in accordance with section 3340.18 of this article.

(f) Only bureau-authorized representatives or authorized manufacturer representatives shall have access to the emissions inspection system for service or inspection.

(g) Emission inspection systems that the bureau finds do not comply with the hardware and software requirements and specifications established in this article will be disabled from communicating with the bureau's centralized computer database and

network, also known as the Vehicle Information Database (VID), and thereby prohibited from being used to perform smog check inspections, and to transmit certificates of compliance to the Department of Motor Vehicles, until they are brought into compliance. When any non-compliant EIS communicates with the VID, the Bureau will send a command from the database to disable the ability of the EIS to perform Smog Check tests or inspections.

(h) All emissions inspection systems prescribed by subdivision (b) of section 44036 of the Health and Safety Code and used in the smog check program must be connected via modem to a standard, single-party business telephone line, or in the alternative to a high-speed or broadband connection, in order to transmit required program information. The telephone line, or high-speed or broadband connection, must not be used for any other purpose, nor may it be connected to more than one emissions inspection system, nor may it have call waiting or any other special feature that would interfere with the modem's operation or the operation of the high-speed or broadband connection. Smog Check stations shall keep this telephone line, or high-speed or broadband connection, connected to the emissions inspection system at all times.

NOTE: Authority cited: Sections 44002, 44036 and 44037.1, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012, 44036 and 44037.1, Health and Safety Code.

HISTORY

1. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
2. Editorial correction of printing error restoring subsection (c) (Register 91, No. 6).
3. Amendment of subsections (a) and (c) filed 4–29–96 as an emergency; operative 4–29–96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by 8–27–96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4–29–96 order transmitted to OAL 8–21–96 and filed 9–30–96 (Register 96, No. 40).
5. Amendment of section heading, section and NOTE filed 2–15–2002 as an emergency; operative 2–15–2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–17–2002 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2–15–2002 order transmitted to OAL 6–13–2002 and filed 7–26–2002 (Register 2002, No. 30).
7. Redesignation and amendment of former subsection (a) as subsection (a)(1), new subsection (a)(2) and amendment of subsection (d) filed 6–9–2003; operative 7–9–2003 (Register 2003, No. 24).
8. Editorial correction of subsection (a)(2) (Register 2005, No. 44).
9. Amendment of section and NOTE filed 5–30–2006; operative 6–29–2006 (Register 2006, No. 22).
10. Amendment of subsections (b) and (g) filed 11–5–2009; operative 12–5–2009 (Register 2009, No. 45).

§ 3340.18. Certification of Emissions Inspection System Calibration Gases and Blenders of Gases.

Emissions inspection system calibration gases used by smog check stations and gas blenders who provide such calibration gases shall be certified by the bureau in accordance with the requirements of the bureau's "Specifications and Accreditation Procedures for Calibration and Audit Gases Used in the California Emissions I/M Program" publication dated January 1990, as herein incorporated by reference.

NOTE: Authority cited: Sections 44002 and 44036.5, Health and Safety Code. Reference: Section 44036.5, Health and Safety Code.

HISTORY

1. New section filed 9–26–90; operative 10–26–90 (Register 90, No. 44).
2. Editorial correction of HISTORY 1 (Register 95, No. 47).
3. Amendment of section heading and section filed 6–9–2003; operative 7–9–2003 (Register 2003, No. 24).
4. Change without regulatory effect amending section heading and section filed 10–11–2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

§ 3340.20. Acknowledgment and Waiver Requirement for Licensed Test-and-Repair Stations. [Repealed]

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Section 44033(b) and (c), Health and Safety Code.

HISTORY

1. Repealer filed 8–24–88; operative 9–23–88 (Register 88, No. 37).

§ 3340.22. Smog Check Station Signs.

Each smog check station shall display an identifying sign that meets the following specifications:

(a) Dimensions. The sign shall be 24 inches wide and 30 inches high.

(b) Sign Material. The sign shall be made of 0.040 aluminum or steel.

(c) Content. Camera-ready design and content of the sign shall be supplied by the bureau.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Section 44033(a), Health and Safety Code.

HISTORY

1. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).

§ 3340.22.1. Smog Check Station Service Signs.

(a) Separate sign requirements shall apply to the following types of stations which provide smog check program services:

(1) Smog check test-only stations.

(2) Smog check stations which only inspect and/or repair heavy-duty vehicles.

(3) Smog check stations which do not inspect and/or repair heavy-duty vehicles.

(b) The service signs required by subdivision (a) shall be made of 0.040 aluminum or steel stock and shall be 24 inches wide and 8 inches high. Camera-ready design and content of required signs are available from the bureau upon request.

(c) Service signs shall be securely attached to the bottom of or immediately below the smog check station signs required by section 3340.22 of this article. Attachment shall be by ring, hook, bracket, or similar device.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44033(a) and 44045.5, Health and Safety Code.

HISTORY

1. New section filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
2. Repealer of subsection (a)(2), subsection renumbering, and amendment of NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
4. Amendment of subsection (a), new subsections (a)(4) and (a)(5), amendment of subsections (b) and (c) and repealer of Figures 2–5 filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of section heading (Register 97, No. 2).
6. Certificate of Compliance as to 7–26–96 order transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).
7. Repealer of subsections (a)(4)–(5) filed 2–1–2001; operative 2–1–2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

§ 3340.22.2. Smog Check Station Repair Cost Limit Sign.

(a) The sign required by Section 44017.3 of the Health and Safety Code shall be provided by the bureau and shall have the following dimensions and specifications.

(1) Sign shall be 22 inches wide and 16 inches high.

(2) Sign shall be in black typeface on white background.

(3) Sign wording and point size shall be as supplied by the bureau.

(4) Typeface shall be Bookman.

(b) If a sign no longer meets the outlined specifications or is no longer readily legible, it will be replaced by the bureau.

NOTE: Authority cited: Sections 44002 and 44017.3, Health and Safety Code. Reference: Section 44017.3, Health and Safety Code.

HISTORY

1. New section filed 10–23–91; operative 11–22–91 (Register 92, No. 35).
2. Amendment of subsection (b) filed 8–18–92; operative 9–17–92 (Register 92, No. 37).

3. Amendment of subsections (a)(3) and (b) filed 5–8–95 as an emergency; operative 5–8–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–5–95 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 5–8–95 order transmitted to OAL 8–31–95 and filed 9–25–95 (Register 95, No. 39).

5. Amendment of subsections (a)(1) and (a)(4) filed 2–1–2001; operative 2–1–2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

§ 3340.22.3. Replacement of Signs.

The bureau may require the replacement of any sign mandated by section 3340.22, 3340.22.1 or 3340.22.2 of this chapter, if such sign fails to meet applicable specifications or is no longer readily legible.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44017.3 and 44033(a), Health and Safety Code.

HISTORY

1. New section filed 8–18–92; operative 9–17–92 (Register 92, No. 37).

§ 3340.23. Licensed Smog Check Station That Ceases Operating As a Licensed Station.

A smog check station shall cease performing the functions for which it has been licensed when it no longer has in its employ a technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, or when its license has expired or has been surrendered, suspended, or revoked. Such station must dispose of materials related to its formerly licensed activity according to these provisions:

(a) Loss of Services of Licensed Technician. A licensed station that no longer has in its employ a smog check technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, shall immediately remove or cover the smog check station sign in accordance with subsection (b) of this section. If the station does not have in its employ, within 60 days, a smog check technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, the station shall surrender its station license to the bureau and shall return to the bureau all unused certificates of compliance and noncompliance.

(b) Removal of Sign. A licensed station that is no longer authorized to perform the function for which it was licensed shall remove or cover the smog check station sign.

(c) Return of Certificates. When a station license has expired or has been surrendered, suspended or revoked, the station shall return to the bureau all unused certificates purchased by the station.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030(a) and (b), 44031, 44032, 44033 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
2. Amendment of first paragraph, subsection (a) and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).

§ 3340.24. Suspension, Revocation, and Reinstatement of Licenses.

(a) Any disciplinary or reinstatement proceeding under this article involving licensed stations, licensed technicians, or fleet owners licensed pursuant to section 44020 of the Health and Safety Code shall be conducted in accordance with chapter 5 (commencing with section 11500) of division 3, Title 2 of the Government Code.

(b) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee knowingly and willfully resists, delays, or obstructs any employee of the bureau or any employee of the quality assurance contractor of the bureau in carrying out the lawful performance of his or her duties.

(c) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.

(d) The bureau may suspend or revoke the license of or pursue other legal action against a licensee that fails to complete retraining when required by the department, pursuant to section 44045.6 of the Health and Safety Code.

NOTE: Authority cited: Sections 44002 and 44035, Health and Safety Code. Reference: Sections 44020, 44031.5, 44035, 44045.6, 44050 and 44072.2, Health and Safety Code; and Section 11500, et seq., Government Code.

HISTORY

1. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
2. Amendment of first paragraph, subsection (d) and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).

§ 3340.25. Licensing of Inspectors. [Repealed]

NOTE: Authority cited: Section 44002, Health and Safety Code; and 162.5, Business and Professions Code. Reference: Sections 44015, 44031 and 44031.5, Health and Safety Code.

HISTORY

1. Amendment of subsections (a), (e) and (f) filed 6–21–89; operative 6–21–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 25).
2. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
3. Repealer filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).

§ 3340.28. Licenses and Qualifications for Technicians.

(a) There are the following technician licenses in the Smog Check Program:

(1) The Intern Technician license which allows an individual, under the direction of a supervising licensed Smog Check technician, to perform repairs or adjustments to the emissions control systems on failed vehicles subject to the Smog Check Program at smog check stations in all areas of the state. The Intern Technician license expires in two years, is nonrenewable and shall be issued to an individual only once.

(2) The Basic Area Technician license which allows an individual to inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the Smog Check Program at smog check stations in areas of the state designated as basic vehicle inspection and maintenance program areas. The Basic Area Technician license expires pursuant to the requirements in subsection (e) of section 3340.29 of this Article.

(3) The Advanced Emission Specialist Technician license which allows an individual to inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the smog check program at smog check stations in all areas of the state. The Advanced Emission Specialist Technician license expires pursuant to the requirements in subsection (e) of section 3340.29 of this Article.

(b) The qualifications to take an examination for technician licenses are as follows:

(1) The Intern Technician license does not require an examination. To qualify for the Intern Technician license, the applicant must provide satisfactory evidence of successful completion within the last two years of the bureau's Clean Air Car Course. The qualification to take the Clean Air Car Course is one year of automotive experience or equivalent automotive training courses in the engine performance area as determined by the bureau certified course instructor.

(2) The Basic Area Technician license requires an examination. The qualifications to take the examination for the Basic Area Technician license are:

(A) The applicant must provide satisfactory evidence of:

1. Possession of a valid and unexpired Intern Technician License and one year of experience as a licensed Intern Technician; or

2. Possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology from a state accredited or recognized college, public school, or trade school, and the successful completion within the last two years of the bureau's Clean Air Car Course; or

3. Possession of a certificate in automotive technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course-work in the engine performance area, and the successful completion within the last two years of the bureau's Clean Air Car Course; or

4. Possession of a valid and unexpired Basic Area or Advanced Emission Specialist smog check technician's license; or

5. Successful completion within the last two years of the bureau's Clean Air Car Course. The qualifications to take the Clean Air Car Course (for those not possessing a degree or certificate as provided in paragraphs (2)(A)2. and (2)(A)3. of this subsection) are one year of automotive experience or equivalent automotive training courses in the engine performance area, as determined by the bureau certified course instructor.

(B)

1. The applicant must provide satisfactory evidence of unexpired certification, which may be from the National Institute for Automotive Service Excellence, in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1), or

2. The applicant must provide satisfactory evidence of completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code. The training program must have been completed within the last five years.

(C) An applicant for an initial license or renewal of a license must provide satisfactory evidence of successful completion of bureau certified update training courses. Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours. Technicians may take a challenge test in lieu of taking the course, at the bureau's discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding update training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.

(3) The Advanced Emission Specialist Technician license requires an examination. The qualifications to take the examination for the Advanced Emission Specialist Technician license are:

(A) The applicant must provide satisfactory evidence of:

1. Successful completion within the last two years of the bureau's Advanced Clean Air Car Course, possession of a valid and unexpired Intern Technician license, and one year of experience as a licensed Intern Technician; or

2. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Course and possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology from a state accredited or recognized college, public school, or trade school; or

3. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Course and possession of a certificate in automotive technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course-work in the engine performance area; or

4. Possession of a valid and unexpired Basic Area Technician License, and successful completion of the Advanced Clean Air Car Course within the last two years; or

5. Possession of a valid and unexpired Advanced Emission Specialist Technician License; or

6. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Courses. An

applicant not possessing a degree or certificate as provided in paragraphs (3)(A)2. and (3)(A)3. of this subsection may qualify to take the Clean Air Car Course by demonstrating one year of automotive experience or equivalent automotive training courses in the engine performance area, as determined by a bureau certified instructor. The applicant may qualify to take the Advanced Clean Air Car Course by successful completion of the Clean Air Car Course within the last two years.

(B)

1. The applicant must provide satisfactory evidence of unexpired certification, which may be from the National Institute for Automotive Service Excellence, in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8) and Advanced Engine Performance Specialist (L1), or

2. The applicant must provide satisfactory evidence of completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code. The training program must have been completed within the last five years.

(C) An applicant for an initial license or renewal of a license must provide satisfactory evidence of successful completion of bureau certified update training courses. Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours. Technicians may take a challenge test in lieu of taking the course, at the bureau's discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding update training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.

(4) An optional endorsement to test and repair vehicles powered by gaseous fuel, either solely or in combination with gasoline, is available for the Basic Area Technician and Advanced Emission Specialist Technician licenses.

(A) An individual wishing to have his/her license endorsed to test and repair vehicles powered by gaseous fuels, either solely or in combination with gasoline, must submit satisfactory evidence of certification in the certification category of Light Vehicle Compressed Natural Gas (F1). Certification may be from the National Institute for Automotive Service Excellence or from completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code.

(B) The endorsement for gaseous fuels shall be accomplished pursuant to the requirements of subsection (d) of section 3340.29 of this Article.

NOTE: Authority cited: Sections 44002, 44014 and 44045.5, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44014, 44031.5(e) and 44045.5, Health and Safety Code.

HISTORY

1. New section filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
3. Amendment of section and NOTE filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction of subsections (a)(2), (b)(2)(A), (b)(2)(C), (b)(3)(B), (b)(3)(C) and (b)(4)(A) (Register 97, No. 2).
5. Certificate of Compliance as to 7–26–96 order, including amendment of subsection (a)(2), repealer of subsections (a)(4) and (b)(3)–(b)(3)(A), subsection relettering and renumbering, and amendment of newly designated subsection (b)(4)(B), transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).
6. Amendment filed 2–1–2001; operative 2–1–2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).
7. Amendment of section and NOTE filed 12–18–2008; operative 1–17–2009 (Register 2008, No. 51).

§ 3340.29. Licensing of Technicians.

(a) An applicant for a license as a technician shall submit an application with appropriate documents to the bureau on form SMOG TECH 1 (11/07), "Application for Initial Smog Check Technician License," which is hereby incorporated by reference, together with an application fee of \$20.00. An application shall be rejected, and the fee shall not be refunded, if the applicant fails to include all required documentation, or complete all questions regarding the applicant's background, or otherwise fails to submit a complete original application. The applicant shall submit a new application with appropriate documents and an application fee of \$20.00 when an application has been rejected for failure to file a complete application.

(b) An application for a technician license shall be subject to the following requirements:

(1) An applicant for a technician license shall pay an examination fee of \$45 and successfully complete the appropriate technician examination in order to receive a technician's license.

(2) An applicant that receives a notice of qualification to take an examination, pursuant to section 3303.2 of this Article, shall take the appropriate technician examination within 90 days of receipt of notification of qualification to take the examination, or shall again submit an application to the bureau, pay an application fee of \$20, pay the examination fee, and successfully complete the appropriate technician examination.

(3) A qualified applicant who fails an examination may take another examination and shall again submit an application to the bureau, pay an application fee of \$20, pay the examination fee, and successfully complete the appropriate technician examination.

(c) An initial application shall be subject to the review procedures specified in section 3303.2. of Article 1 of this Chapter.

(d) A technician license, except for the Intern Technician license, shall be endorsed for gaseous fuels as follows:

(1) An individual submitting an application for an initial technician license may have the license endorsed for gaseous fuels by requesting the endorsement on the application and providing proof of qualification pursuant to paragraph (4) of subsection (b) of section 3340.28.

(2) An individual may have an existing license endorsed for gaseous fuels by submitting a letter to the bureau requesting the endorsement be added to his/her existing license, and providing proof of qualification pursuant to paragraph (4) of subsection (b) of section 3340.28.

(e) A technician's license shall expire on the last day of the month in which the second birthday of the technician occurs after the date of issuance of the license. Initial license expiration dates are calculated from the date the department is notified that an applicant has passed the licensing examination. Once a license has been issued that expires in the birth month, subsequent renewal licenses will expire on the last day of the birth month, two years later. Withholding a license for enforcement purposes, or issuance of a temporary license due to family support obligations, does not change the expiration date as calculated above.

(f) To renew a license, the technician shall submit a complete application to the bureau prior to the expiration date of the license using form SMOG TECH 2 (11/07), "Technician License Renewal Application," which is hereby incorporated by reference, together with a renewal application fee of \$20.

NOTE: Authority cited: Sections 44002, 44013(b), 44016, 44031.5, 44034, 44034.1 and 44045.5, Health and Safety Code; and Sections 163.5 and 9882, Business and Professions Code. Reference: Sections 44012, 44014, 44015(a) and (b), 44030(a), 44031.5, 44032, 44034, 44034.1, 44035, 44045.5 and 44045.6, Health and Safety Code; and Section 1798.17, Civil Code.

HISTORY

1. New section filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
3. Amendment of subsection (a), repealer of subsection (b)(2) and subsection renumbering, amendment of newly designated subsection (b)(2) and subsections (d), (e) and (f), repealer of subsections (f)(1) and (f)(2) and deletion of (f)(3) designator and amendment of formerly designated (f)(3) and NOTE filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7–26–96 order, including further amendment of subsections (d)–(f), transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).
5. Amendment of subsections (a), (e) and (f) filed 2–1–2001; operative 2–1–2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).
6. Amendment of section and NOTE filed 12–18–2008; operative 1–17–2009 (Register 2008, No. 51).

§ 3340.30. General Requirements for Licensed Technicians.

A smog check technician shall comply with the following requirements at all times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

(b) A licensed technician shall maintain on file with the bureau a correct mailing address pursuant to section 3303.3 of Article 1 of this Chapter.

(c) A licensed technician shall notify the bureau in writing within two weeks of any change of employment.

(d) A licensed technician whose license has expired shall immediately cease to inspect, test, or repair failed vehicles.

NOTE: Authority cited: Sections 44002, 44013(b), 44016, 44031.5 and 44034, Health and Safety Code; and Section 163.5, Business and Professions Code. Reference: Sections 44012, 44015(a) and (b), 44030(a), 44031.5, 44032, 44034, 44034.1, 44035, 44045.5 and 44045.6, Health and Safety Code.

HISTORY

1. New subsection (h) filed 8–24–88; operative 9–23–88 (Register 88, No. 37).
2. Amendment filed 6–21–89; operative 6–21–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 25).
3. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
4. Amendment of subsections (b) and (e) filed 5–11–90; operative 6–10–90 (Register 90, No. 26).
5. Amendment of subsections (b)(1)–(2) filed 8–18–92; operative 9–17–92 (Register 92, No. 37).
6. Editorial correction adding inadvertently omitted amendment of subsections (a), (c), (f) and NOTE filed 8–16–94 as an emergency; operative 8–16–94 (Register 95, No. 4). A Certificate of Compliance must be transmitted to OAL 12–14–94 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–12–94 and filed 1–24–95 (Register 95, No. 4).
8. Editorial correction of section heading (Register 95, No. 16).
9. Repealer and new section filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).

§ 3340.31. Retraining of Licensed Technicians.

(a) Licensed technicians receiving citations pursuant to subdivision (b) if Section 44050 of the Health and Safety Code, or found lacking in skills pursuant to subdivision (b) of Section 44031.5 of the Health and Safety Code, or found lacking in skills pursuant to subdivision (c) of Section 44045.6 of the Health and Safety Code, shall be required to undergo retraining at institutions and by instructors certified by the bureau pursuant to Sections 44030.5 and 44045.6 of the Health and Safety Code.

(b) Failure by a licensed technician to complete retraining when required by the department shall be grounds for revocation or suspension of a smog check technician's license, pursuant to section 44045.6 of the Health and Safety Code.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6, 44050 and 44072.2, Health and Safety Code.

HISTORY

1. New section filed 6–21–89; operative 6–21–89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 25).
2. Amendment of section heading, section and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).

§ 3340.32. Standards for the Certification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.

(a) An institution providing prerequisite training under subdivisions (a) and (b) of section 44045.6 of the Health and Safety Code to those seeking to become licensed technicians, or providing retraining to licensed technicians cited under the provisions of subdivision (c) of section 44045.6 of the Health and Safety Code, or providing retraining to licensed technicians cited under the provisions of subdivision (b) of section 44050 of the Health and Safety Code, or providing retraining to licensed technicians under the provisions of subdivision (b) of section 44031.5 of the Health and Safety Code must be certified by the bureau prior to providing that training or retraining.

(b) A school may be certified to instruct one or more of the following smog technician training courses:

(1) The Basic Smog Technician courses which consist of the Basic Clean Air Car Course, the Citation Retraining Course for Basic Area Technicians, the Bureau Training Program, and the Update Training for Basic Area Technicians.

(2) The Advanced Smog Technician courses which consist of the Advanced Clean Air Car Course, the BAR 97 Transition Course, the Citation Retraining Course for Advanced Emission Specialist Technicians, the Bureau Training Program, and the Update Training Course for Advanced Emission Specialist Technicians.

(c) To become certified, an institution shall submit an application to the bureau on form TS–1 (10–99), "Application to Become a BAR Certified Training Institution."

(d) An initial application shall be subject to the review procedures specified in Section 3303.2. of Article 1 of this Chapter.

(e) An applicant shall meet the following requirements:

(1) All institutions wishing to be certified to offer training to qualify an individual for a technician license shall provide satisfactory evidence of:

(A) Approval from the Department's Bureau for Private Postsecondary and Vocational Education, if applicable. That approval shall remain current at all times.

(B) Possession of current course materials.

(C) Lecture and shop facilities sufficient to adequately train all participating students.

(D) Instructors certified by the bureau pursuant to Section 3340.33 of this article to offer instruction.

(E) Having functional access to a bureau-designated web site and having an electronic mail address where the institution can receive electronic information from, and send electronic information to the bureau.

(2) An institution wishing to be certified to offer Basic Smog Technician courses shall have the following tools and materials in quantities sufficient to adequately train all participating students:

(A) An emissions inspection system as provided by and in accordance with, subsection (a) of Section 3340.17 of this article.

(B) An engine performance analyzer containing an electronic device capable of displaying and printing diagnostic information related to the engine ignition and fuel systems of the vehicle being tested.

(C) A tachometer/dwell meter.

- (D) An ignition timing light which measures ignition advance.
- (E) A hand vacuum pump, and a vacuum gauge.
- (F) An ammeter capable of measuring amps and milliamps.
- (G) A digital volt/ohm meter.
- (H) A compression tester.
- (I) Current emission control service manuals and systems application guides.
- (J) Automotive computer diagnostic and repair manuals.
- (K) Electronic component location manuals.
- (L) Hand tools necessary to inspect, adjust, maintain, and repair vehicular ignition, fuel delivery, and emission control systems.
- (M) Audio-visual equipment sufficient to adequately present the required course material.
- (N) A diagnostic device capable of retrieving diagnostic trouble codes, interpreting codes, and displaying and storing data streams from the on-board computer systems of vehicles. Diagnostic data modules required to operate the device shall be kept updated to the current available calendar year. The device shall be On-Board Diagnostic II compliant, and shall have the Enhanced E/E Diagnostic Test Modes capabilities as noted in the Society of Automotive Engineer's document number J2190 dated June 1993.
- (O) A fuel pressure gauge capable of measuring the higher pressures of fuel-injected vehicles.
- (P) A Propane enrichment kit.
- (Q) Fuel fillpipe restrictor dowel gauge meeting the following specifications:
 1. Made of a non-sparking material meeting the standard for hardness of aluminum alloy No. 5052 as defined in Volume 02.02 of section 2 of the 1986 Annual Book of Standards published by the American Society for Testing and Materials;
 2. Having a radiused test portion;
 3. Having a test portion diameter not less than 0.9375 inches or more than 0.950 inches;
 4. Having an overall length not less than 5 inches or more than 12 inches;
 5. Having a handle no less than 1.25 inches in diameter, and no less than 4 inches in length; and
 6. Constructed of solid bar stock or tubing with a minimum wall thickness of 3/16 of an inch.
- (R) The currently available bureau manuals and bulletins.
- (S) A minimum of one operational demonstration vehicle, or stationary engine per every four students attending a course must be available and must be used for demonstration and student laboratory assignments involving testing, diagnosis and repair procedures. The vehicle or stationary engine must be appropriate to the demonstration or laboratory assignment. At least one demonstration vehicle must be owned, rented or leased by the institution. Demonstration vehicles and stationary engines must be fully operational with computer-controlled systems.
- (3) An institution wishing to be certified to offer Advanced Smog Technician courses shall, in addition to the equipment required by paragraph 2 of subsection (e) of this section, have the following equipment:
 - (A) An emissions inspection system in accordance with the bureau's emissions inspection system specifications referenced in subsection (b) of Section 3340.17 of this article.
 - (B) An evaporative emission control test system approved by the bureau for use in an enhanced program area.
 - (C) An electronic device capable of graphically displaying any electrical or electronic signal used by an automotive computer system. The device shall have the capability of displaying the electrical or electronic signal using a voltage and time scale that is adjustable. The device shall have the capability of capturing and displaying a high frequency abnormal signal, regardless of time per division setting, or screen refresh rate.
 - (f) Institutional certification by the bureau shall not exceed

one-year. Institutions shall renew their certification electronically using form TS-1 (10-99); "Application To Become A Bureau Certified Training Institution" located at a bureau designated Internet web site.

(g) All institutions certified shall:

- (1) Maintain adequate lecture and shop facilities, sufficient tools and materials, and current course materials.
- (2) Identify in writing to all potential students the level of certification training the institution will provide and any limitations to this training applicable to obtaining a technician license. This written disclosure shall be presented to students no later than their first class meeting.
- (3) Provide competent instruction to students, including lab exercises and hands-on work.
- (4) Advise prospective students of the automotive mechanical experience and automotive mechanical course-work requirements at the time of application.
- (5) Evaluate applications to verify that the applicant meets the applicable qualification requirements specified in subsection (b) of section 3340.28 of this article.
- (6) Instruct a maximum of twenty-five students per instructor at any one time.
- (7) Allow the bureau or authorized representative reasonable access during normal business hours to training records, equipment and facilities.
- (8) Report to the bureau on form TS-5 (10-99), "Certified Institution's Training Record," the number of students receiving training or retraining courses prescribed by the bureau, the names of those students successfully completing training or retraining courses, and in the case of students taking retraining courses pursuant to section 3340.31 of this article, the names of those failing to complete such retraining courses. Reporting shall be performed electronically using form TS-5 (10-99); "Certified Institution's Training Record" located at a bureau designated Internet web site.
- (9) Have available for students the current year editions of all required vehicle reference and repair manuals, in electronic or print media.
- (10) Have available for students the current operating instructions for all training aids and automotive test equipment.
- (11) Have available for students an adequate number and variety of training aids such as demonstration engines, carburetors, and emission control devices, in order to meet student training needs and to ensure proper understanding of the course content and laboratory assignments.
- (h) Pursuant to section 44045.5 of the Health and Safety Code, an institution may be certified to instruct the Bureau Training Program to meet the prerequisite for licensure, as follows:
 - (1) The institution shall use training materials, course-work, and examinations developed by a bureau approved publisher.
 - (2) The institution shall obtain all training materials, course-work, and examinations from a bureau approved publisher. Failure to use training materials, course-work, or examinations developed by a bureau approved publisher may result in the disapproval of the training program or decertification of the institution.
 - (3) The institution's administration of examinations shall meet bureau standards, as outlined in the "Bureau Training Program Standards" (3-95), herein incorporated by reference, and meet or exceed all statutory requirements and federal and state standards regarding examination development. Failure to meet bureau standards, as outlined in the "Bureau Training Program Standards" (3-95), and meet or exceed all statutory requirements and federal and state standards regarding examination development, may result in the disapproval of the training program or decertification of the institution.
 - (4) The institution shall instruct the training program in accordance with the requirements outlined in the "Bureau Training Program

Standards” (3–95). Failure to provide instruction that meets the requirements outlined in the “Bureau Training Program Standards” (3–95) may result in the disapproval of the training program or decertification of the institution.

(5) The bureau reserves the right to review and recommend changes to an institution’s methods of instruction and/or administration of examinations. Failure to comply with the bureau’s recommended changes to an institution’s methods of instruction and/or administration of examinations may result in the disapproval of the training program or decertification of the institution.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6 and 44050, Health and Safety Code.

HISTORY

1. New section filed 6–21–89; operative 6–21–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 25).
2. Editorial correction of HISTORY 1. (Register 91, No. 32).
3. New subsection (b)(3) and renumbering of following subsections filed 8–18–92; operative 9–17–92 (Register 92, No. 37).
4. Amendment of section heading, section and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6–23–95 order including amendment of subsection (g)(3) transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
6. Amendment of section filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
7. Editorial correction of subsections (b)(2), (e)(1)(F), (e)(3) and (e)(4) (Register 97, No. 2).
8. Certificate of Compliance as to 7–26–96 order, including repealer of subsection (b)(2), subsection renumbering, amendment of subsection (e)(1), repealer of subsections (e)(2)(N) and (e)(3)–(e)(3)(K), subsection relettering and renumbering, and amendment of subsection (h), transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).
9. Amendment filed 2–1–2001; operative 2–1–2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).
10. Amendment of subsections (e)(2)(A) and (e)(3)(A) filed 2–15–2002 as an emergency; operative 2–15–2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–17–2002 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 2–15–2002 order transmitted to OAL 6–13–2002 and filed 7–26–2002 (Register 2002, No. 30).
12. Amendment of subsection (e)(12) filed 6–9–2003; operative 7–9–2003 (Register 2003, No. 24).
13. Change without regulatory effect amending subsections (a)–(e)(1)(A), (e)(1)(D), (e)(2)–(e)(2)(A), (e)(2)(P), (e)(2)(Q)3–4., (e)(3) and (e)(3)(A) filed 10–11–2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

§ 3340.32.1. Standards for the Decertification and Recertification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.

(a) An application for certification may be denied or an institution may be decertified for the following reasons:

- (1) Failure to comply with the provisions of Section 3340.32 of this article; or
- (2) Misrepresentation of a material fact in obtaining or attempting to obtain certification as an institution; or
- (3) Suspension or revocation of any bureau-issued license, registration, or qualification certificate held by the institution or by any owner, partner, officer, director, or manager of the institution, if the grounds for suspension or revocation are substantially related to the qualifications of the institution to provide bureau-prescribed courses of instruction; or
- (4) Conviction of a crime or conduct which would be cause for denial of a license pursuant to Section 480 of the Business and Professions Code, or for suspension or revocation of a license pursuant to Section 490 of the Business and Professions Code.

(b) Institutions may be recertified as follows:

- (1) Upon completion of an application for recertification; and
- (2) After an on-site inspection of the institution has been accomplished by the bureau and a determination made by the bureau that the institution is again qualified to instruct students. In considering whether to make such determination, the bureau will evaluate the rehabilitation of the applicant based upon the criteria set forth in Section 3395 of this Chapter.

(c) Any decertification proceeding under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3, Title 2 of the Government Code.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44045.6 and 44050, Health and Safety Code; Sections 480 and 490, Business and Professions Code; and Section 11500, et. seq., Government Code.

HISTORY

1. New section filed 6–21–89; operative 6–21–89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 25).
2. Amendment of section heading and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).

§ 3340.33. Standards for the Certification of Basic and Advanced Instructors Providing Retraining to Intern, Basic Area, and Advanced Emission Specialist Licensed Technicians or Prerequisite Training to Those Seeking to Become Intern, Basic Area, or Advanced Emission Specialist Licensed Technicians.

(a) There are the following instructor certification categories in the smog check program:

(1) Basic Instructor. An instructor providing Basic smog technician courses, or prerequisite training to those seeking to become Intern, or Basic Area licensed technicians, or providing retraining to Intern, or Basic Area technicians cited under the provisions of subdivision (b) of Section 44050 of the Health and Safety Code, or providing retraining to Intern, or Basic Area licensed technicians under provision of subdivision (b) of Section 44031.5 of the Health and Safety Code, or providing retraining to Intern, or Basic Area licensed technicians under Subdivision (c) of Section 44045.6 of the Health and Safety Code. A Basic instructor must have certification from the bureau prior to providing such training or retraining.

(2) Advanced Instructor. An instructor providing Advanced Smog Technician Courses, or prerequisite training to those seeking to become Intern, Basic Area, or Advanced Emission Specialist licensed technicians, or providing retraining to Intern, Basic Area, or Advanced Emission Specialist licensed technicians cited under the provisions of Subdivision (b) of Section 44050 of the Health and Safety Code, or providing retraining to Intern, Basic Area, or Advanced Emission Specialist licensed technicians under Subdivision (c) of Section 44045.6 of the Health and Safety Code. An Advanced Instructor must have certification from the bureau prior to providing such training or retraining.

(b) Application.

(1) To become certified as a Basic instructor, an individual shall submit an application to the bureau on form TS–2 (10–99), “Application To Become a Bureau Certified Basic Instructor.”

(2) To become certified as an Advanced instructor, an individual shall submit an application to the bureau on form TS–3 (10–99) “Application To Become a Bureau Certified Advanced Instructor.”

(c) Initial Application Review. An initial application shall be subject to the review procedures specified in section 3303.2. of Article 1 of this Chapter.

(d) Applicant Criteria.

(1) An applicant to be certified as a Basic Instructor shall:

(A) Be licensed by the bureau as an Advanced Emission Specialist Technician.

(B) Possess current certification from the National Institute for Automotive Service Excellence in the certification categories of Electrical/Electronic Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1).

(C) Meet at least one of the following criteria:

1. Possess a current credential recognized by the State Department of Education in the field of automotive technology; or

2. Meet the current California Community College eligibility requirements for a credential in the field of automotive technology; or

3. Possess an automotive-related degree, or credential, or other qualifying experience, which the bureau determines, upon the petition of the applicant, to be substantially equivalent to a California Community College's instructor's qualifications or credential or a credential recognized by the State Department of Education, in the field of automotive technology (more specifically described on bureau form TS-2 dated 10-99, "An Application To Become a Bureau Certified Basic Instructor," herein incorporated by reference).

(D) Have functional access to a bureau-designated web site and have an electronic mail address where the instructor can receive electronic information from, and send electronic information to the bureau.

(2) An applicant to be certified as an Advanced Instructor shall:

(A) Be currently certified as an Basic Instructor.

(B) Complete an Advanced Instructor training course prescribed by the bureau. Advanced Instructor training need not exceed 40 hours.

1. An individual submitting an application for initial certification as an instructor or renewal of certification as a instructor, may have the certification endorsed to instruct a gaseous fuels course by requesting the endorsement on the application and providing proof of qualification pursuant to subsection (e) of this section.

2. An individual may have an existing certification endorsed to instruct a gaseous fuels course by submitting a letter to the bureau requesting the endorsement be added to his/her existing certification and providing proof of qualification pursuant to subsection (e) of this section.

(e) Optional Endorsement for Gaseous Fuels. An optional endorsement to instruct a gaseous fuel course is available for a certified instructor with an Advanced Emission Specialist Technician license endorsed to test and repair vehicles powered by gaseous fuels, either solely or in combination with gasoline.

(f) Instructor certification by the bureau shall not exceed one-year. Instructors shall renew their certification electronically using a form TS-4 (10-99) "Bureau Certified Instructor Renewal Application" located at a bureau-designated web site.

(g) Certified Basic or Advanced instructors may be required to complete training on new automotive technology, as prescribed by the bureau, in order to instruct training courses. Failure to successfully complete bureau prescribed training may result in grounds for decertification or denial of certification, pursuant to section 3340.33.1 of this Article.

(h) Certification Renewal. To renew certification as a Basic or Advanced instructor, an individual shall be subject again to the requirements of subsections (b), (c), and (d) of this section.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6 and 44050, Health and Safety Code.

HISTORY

1. New section filed 6-21-89; operative 6-21-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 25).
2. Amendment of section heading, section and NOTE filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
4. Amendment of subsection (b), repealer of subsections (d)-(d)(3) and subsection relettering, and amendment of newly designated subsections (d), (e)(1), (e)(2), (g) and (h) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by

11-25-96 or emergency language will be repealed by operation of law on the following day.

5. Editorial correction of subsection (g) (Register 97, No. 2).
6. Certificate of Compliance as to 7-26-96 order, including amendment of subsection (d)(3)(B)-(C), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
7. Amendment of section heading and section filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

§ 3340.33.1. Standards for the Decertification and Recertification of Instructors Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.

(a) An application for certification may be denied or an instructor may be decertified for the following reasons:

(1) Failure to comply with the provisions of Section 3340.33 of this article; or

(2) Misrepresentation of a material fact in obtaining certification as an instructor; or

(3) Failure to instruct students in a competent manner in accordance with the specifications of the bureau-prescribed course; or

(4) Suspension or revocation of any bureau-issued license, registration, or qualification certificate held by the instructor if the grounds for suspension or revocation are substantially related to the qualifications of the instructor to teach bureau-prescribed courses of instruction; or

(5) Conviction of a crime or conduct which would be cause for denial of a license pursuant to Section 480 of the Business and Professions Code, or for suspension or revocation of a license pursuant to Section 490 of the Business and Professions Code.

(b) Instructors may be recertified as follows:

(1) Upon completion of an application for recertification; and

(2) Upon determination by the bureau that the instructor is again qualified to instruct students. In considering whether to make such determination, the bureau will evaluate the rehabilitation of the applicant based upon the criteria set forth in Section 3395 of this Chapter.

(c) Any decertification proceeding under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3, Title 2 of the Government Code.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44045.6 and 44050, Health and Safety Code; Sections 480 and 490, Business and Professions Code; and Section 11500, et. seq., Government Code.

HISTORY

1. New section filed 6-21-89; operative 6-21-89 (Register 89, No. 25).
2. Amendment of section heading and NOTE filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

§ 3340.34. Qualification Levels of Mechanics. [Repealed]

NOTE: Authority cited: Sections 44002 and 44014(c), Health and Safety Code. Reference: Section 44014(c), Health and Safety Code.

HISTORY

1. New section field 4-16-90; operative 4-16-90 (Register 90, No. 19).
2. Repealer filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

§ 3340.35. A Certificate of Compliance, Noncompliance, Repair Cost Waiver or an Economic Hardship Extension.

(a) A licensed station shall purchase certificates of compliance and noncompliance from the bureau or an authorized agent of the bureau only, and under the following terms and conditions:

(1) A certificate of compliance or noncompliance shall be purchased by a licensed station for a fee determined pursuant to section 3340.35.1 of these regulations; and

(2) Full payment is required at the time the certificates are ordered.

(b) A licensed station shall not sell or otherwise transfer unused certificates to another licensed station, to a new owner of the business, or to any person other than a customer whose vehicle has been inspected in accordance with the procedures specified in section 3340.42 of this article.

(c) A licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly. The following conditions shall apply:

(1) Customers shall be charged the same price for certificates as that paid by the licensed station; and

(2) Sales tax shall not be assessed on the price of certificates.

(d) No person shall sell, issue, cause or permit to be issued any certificate purported to be a valid certificate of compliance or noncompliance unless duly licensed to do so.

(e) A repair cost waiver or an economic hardship extension shall be the same fee as a certificate of compliance or noncompliance.

NOTE: Authority cited: Sections 44002 and 44060, Health and Safety Code. Reference: Sections 44010, 44011, 44014, 44015 and 44060, Health and Safety Code; and Sections 4000.2 and 4000.3, Vehicle Code.

HISTORY

1. Amendment of subsection (a) filed 3–28–86; designated effective 5–1–86 (Register 86, No. 13).
2. Amendment of subsections (a) and (b) filed 8–24–88; operative 9–23–88 (Register 88, No. 37).
3. Amendment of subsection (a)(1) filed 1–25–89; operative 3–1–89 (Register 89, No. 7).
4. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
5. Editorial correction of printing error in subsection (b) (Register 91, No. 6).
6. Amendment of subsection (a)(1) filed 12–18–91; operative 2–1–92 (Register 92, No. 10).
7. Amendment of subsection (a)(1) filed 5–8–95 as an emergency; operative 5–8–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–5–95 or emergency language will be repealed by operation of law on the following day.
8. Repealer of subsection (d), subsection relettering, amendment of newly designated subsection (d), and amendment of NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 5–8–95 order transmitted to OAL 8–31–95 and filed 9–25–95 (Register 95, No. 39).
10. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
11. Amendment of subsection (a)(1) and NOTE filed 2–11–97 as an emergency; operative 2–11–97 (Register 97, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–11–97 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 2–11–97 order transmitted to OAL 5–30–97 and filed 7–8–97 (Register 97, No. 28).
13. Amendment of subsection (a)(1) filed 2–26–98 as an emergency; operative 2–26–98 (Register 98, No. 9). A Certificate of Compliance must be transmitted to OAL by 6–26–98 or emergency language will be repealed by operation of law on the following day.
14. Amendment of subsection (a)(1) refiled 6–24–98 as an emergency; operative 6–25–98 (Register 98, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–23–98 or emergency language will be repealed by operation of law on the following day.
15. Certificate of Compliance as to 6–24–98 order, including amendment of section heading, section and NOTE, transmitted to OAL 10–16–98 and filed 12–2–98 (Register 98, No. 49).

§ 3340.35.1. A Certificate of Compliance, Noncompliance, Repair Cost Waiver or an Economic Hardship Extension Fee Calculation.

The certificate of compliance, noncompliance, repair cost waiver

or an economic hardship extension fee effective June 1998 through June 1999 is \$8.25; thereafter, for the purpose of establishing a fee for a certificate of compliance, noncompliance, repair cost waiver or an economic hardship extension, the bureau shall annually adjust the fee to reflect changes in the California Consumer Price Index for All Urban Consumers (CCPI), as published by the California Department of Industrial Relations, based on the regional data from the United States Department of Labor, Bureau of Labor Statistics. Each annual fee adjustment shall be made based on the change in the CCPI ending in June of the current year preceding the base year adjustment. The calculation of the fee increase shall be: CCPI for Current Period less CCPI for base year equals Index Point Change; Divided by the CCPI for base year equals Percent Change; Baseline fee of \$7.00 multiplied by Percent Change equal sum; Baseline fee plus sum equals new fee per certificate.

NOTE: Authority cited: Sections 44002 and 44060, Health and Safety Code. Reference: Sections 44010, 44011 and 44060, Health and Safety Code.

HISTORY

1. New section filed 12–2–98; operative 12–2–98 (Register 98, No. 49).
2. Editorial correction (Register 2002, No. 23).

§ 3340.36. Clearing Enforcement Forms.

When a customer requests certification of a motor vehicle for correction of a violation noted on an enforcement form, the smog check station shall certify that the correction has been made. In conjunction with such certification, the licensed technician shall also issue a certificate of compliance or noncompliance, provided the vehicle passes the inspection/test procedure and all emission control systems are in compliance or meet bureau requirements.

NOTE: Authority cited: Sections 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44045.5, Health and Safety Code; and Sections 27157, 27157.5, 27158 and 40616, Vehicle Code.

HISTORY

1. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
2. Amendment filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
4. Amendment of section filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7–26–96 order transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).

§ 3340.36.1. Fee for Exhaust System Certificate of Compliance.

The fee for an exhaust system certificate of compliance issued pursuant to Section 27150.2 of the Vehicle Code shall be one hundred eight dollars (\$108).

NOTE: Authority cited: Section 9882, Business and Professions Code; and Section 27150.2, Vehicle Code. Reference: Sections 27150, 27150.2 and 27151, Vehicle Code.

HISTORY

1. New section filed 4–12–2010; operative 5–12–2010 (Register 2010, No. 16).

§ 3340.37. Installation of Oxides of Nitrogen (NOx) Devices.

A licensed smog check station, except for a test-only station, may install a retrofit oxides of nitrogen (NOx) exhaust control device on a 1966 through 1970 model year vehicle.

NOTE: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 2814, 27158, 27158.5 and 40616, Vehicle Code; and Sections 43654, 43655, 43657 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) filed 7–12–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 28).
2. Amendment of subsection (b) filed 3–28–86; effective thirtieth day thereafter (Register 86, No. 13).

3. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
4. Amendment of subsections (d)–(e) and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
6. Amendment of section heading and repealer of subsection (a) designator and subsections (b)–(e) filed 4–15–96; operative 5–15–96 (Register 96, No. 16).
7. Amendment of section filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 7–26–96 order transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).
8. New subsection (e) and new Forms T1–T6 filed 2–1–2001; operative 2–1–2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).
9. Amendment of subsections (a)–(c) filed 6–9–2003; operative 7–9–2003 (Register 2003, No. 24).
10. Amendment of section heading, section and NOTE filed 5–30–2006; operative 6–29–2006 (Register 2006, No. 22).

§ 3340.41. Inspection, Test, and Repair Requirements.

(a) A licensed station shall give a copy of the test report printed from the emissions inspection system to the customer. The report shall be attached to the customer's invoice.

(b) No person shall enter into the emissions inspection system any access or qualification number other than as authorized by the bureau, nor in any way tamper with the emissions inspection system.

(c) No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested.

(d) The specifications and procedures required by Section 44016 of the Health and Safety Code shall be the vehicle manufacturer's recommended procedures for emission problem diagnosis and repair or the emission diagnosis and repair procedures found in industry–standard reference manuals and periodicals published by nationally recognized repair information providers. Smog check stations and smog check technicians shall, at a minimum, follow the applicable specifications and procedures when diagnosing defects or performing repairs for vehicles that fail a smog check test.

(e) A smog check station shall not perform an initial test, except for an official pre–test, on or issue a certificate of compliance to any vehicle that has been directed to a test–only station for its biennial smog check pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code, unless the station is licensed as a test–only station pursuant to subdivision (b) of Section 44014 of the Health and Safety Code. The reinspection and certification of a test–only directed vehicle that has failed an initial test at a test–only station and has undergone subsequent repairs to correct the cause of the failure, may be performed by a test–only station, or by a test–and–repair station that performs those repairs and that is also certified as a Gold Shield station pursuant to Section 44014.2 of the Health and Safety Code and Article 10 (commencing with section 3392.1) of this chapter.

NOTE: Authority cited: Sections 44002, 44016 and 44030, Health and Safety Code; and Section 9882, Business and Profession Code. Reference: Sections 44010.5, 44012, 44014, 44014.2, 44014.7, 44016, 44030, 44036(a) and (b), 44050 and 44051.5, Health and Safety Code.

HISTORY

1. Amendment of section heading filed 8–24–88; operative 9–23–88 (Register 88, No. 37).
2. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
3. Editorial correction of printing error correcting section heading (Register 91, No. 6).
4. Amendment of subsection (c) filed 8–18–92; operative 9–17–92 (Register 92, No. 37).
5. New section heading, new subsection (d) and amendment of NOTE filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
6. Editorial correction of subsection (d) (Register 97, No. 2).
7. Certificate of Compliance as to 7–26–96 order transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

Gray Davis, Governor



BUREAU OF AUTOMOTIVE REPAIR
 10240 SYSTEMS PARKWAY, SACRAMENTO, CA 95827
 PHONE: (916) 255-3465

**APPLICATION TO BECOME A BUREAU CERTIFIED TRAINING INSTITUTION**

Check One:

- ☐ New Institution Certification ☐ Upgrading from a Basic to Advanced Institution
☐ Renewal of Institution Certification (If renewing, fill in front page only) ☐ Institute Relocation

Please Print

Name of Institution: _____
 Address of Instructional Facility (no P.O. Boxes): _____
 City: _____ County: _____ Zip: _____
 Phone Number: (____) _____ Ext. #: _____
 E-Mail Address: _____ School Number: 99 _____
 Student Information Phone # (class schedule and enrollment information):
 (____) _____ Ext. #: _____

Is this institution a California public educational institution?

- ☐ Yes (If yes, move to the Administrative Contact box below) ☐ No (If no, answer the following question)

Is your institution "approved" by the Department of Consumer Affairs, Bureau for Private Post Secondary Education (BPPVE)?

- ☐ Yes (If yes, provide proof of BPPVE "approval" with application)
☐ No (Contact BPPVE at (916) 445-3427 for approval, or to obtain a waiver) **BAR cannot accept this application** without approval or a waiver from BPPVE..

Provide the name of the automotive department head or administrative person who will be responsible for coordinating bureau-approved training courses, maintaining records, **and be responsible for receiving, distributing, and responding to all bureau correspondence.**

Administrative Contact Person: _____
 Mailing Address (if different from address listed above): _____
 City: _____ County: _____ Zip: _____
 Phone Number: (____) _____ Ext. #: _____

Bureau Certified Instructor's Name:	Instructor's Certification #:	Cert. Exp. Date:	Instructor is Advanced Certified?
#1	CI		Yes No
#2	CI		Yes No
#3	CI		Yes No

BASIC AREA TECHNICIAN TRAINING INSTITUTION

To be certified to teach Basic area technician training courses, your institution must employ either a “Basic” or “Advanced” bureau certified instructor, and have the following tools, equipment, educational materials, and lecture and laboratory facilities:

What is the maximum **legal** student seating capacity of your lecture facility? _____

Note: Do not write in shaded area
- Bureau Use Only -
Inspector Field Audit Area

Adequate lecture and laboratory facilities to accommodate the number of students to be instructed.

Emission Test Analyzer System (TAS - BAR 90ET or BAR 97 EIS) approved by the bureau for use in a Basic Program Area

Instructional Materials for Basic Area Technician Courses)
(only for courses being taught; see page 4)

Demonstration Vehicles (5 computer controlled vehicles required):

YES	NO
_____	_____
_____	_____
_____	_____
_____	_____

Note: At least one vehicle must be owned, leased, rented or donated to your institution. Provide documentation of this vehicle with application.

License or Vehicle Identification #	Year	Make	Model	Computer Format OBD I or OBD II

Engine performance analyzer (with printer)

Tachometer/dwell meter

Ammeter

Video equipment: (Minimum) 1- VCR, 1- 25" TV (or 2 - 19")

Digital Volt/Ohm Meters (DVOM) (4 minimum)

Fillpipe restrictor down gauges (2 minimum)

Timing lights with advance testing capabilities (2 minimum)

Propane Enrichment Tool

YES	NO
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Hand vacuum pumps (2 minimum)

Vacuum gauge (1 minimum)

Fuel Cap Tester

Fuel pressure gauge

Computer diagnostic equipment (scan tool - 1 minimum)

Compression tester (1 minimum)

Hand tools necessary to inspect, adjust, maintain, and repair vehicular ignition systems, fuel delivery systems, and emission control systems

Current emission control manuals and systems application guides (paper or electronic format)

Automotive computer diagnostic and repair manuals (paper or electronic format)

Electronic component location manuals (paper or electronic format)

Current bureau manuals and bulletins

YES	NO
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ADVANCED EMISSION SPECIALIST TECHNICIAN TRAINING INSTITUTION

To be additionally certified to teach Advanced Emission Specialist technician training courses, an institution must employ an "Advanced" bureau certified instructor, and have all the equipment, tools, educational materials, and lecture and laboratory facilities required for institutions teaching Basic area technician training courses (except BAR 90ET), and the following additional equipment/materials:

Digital storage oscilloscope/graphing multimeter (1 minimum)

Emission Inspection System (BAR 97 EIS) approved by the bureau for use in an Enhanced Program Area

Does your institution own this equipment (BAR 97 EIS), or lease the equipment from the manufacturer?
(If no, provide a copy of evidence of access to this equipment at another facility)

Fuel cap tester (may be incorporated in BAR 97 EIS)

Instructional Materials for Advanced Emission Specialist Courses
(only for courses being taught; see page 4)

YES	NO
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Basic Area Technician Training Courses (check the courses your institution wishes to be certified to provide):

- ☐ Basic Clean Air Car Course
- ☐ Citation Retraining for Basic Area Technicians
- ☐ Bureau Training Program (ASE Alternative Courses A6, A8, & L1)
- ☐ Update Training for Basic Area Technicians

Advanced Emission Specialist Technician Training Courses (check the courses your institution wishes to be certified to provide):

- ☐ Advanced Clean Air Car Course
- ☐ Citation retraining for Advanced Emission Specialist technicians
- ☐ BAR 97 Transition Class
- ☐ Update Training for Advanced Emission Specialist technicians

I certify under penalty of perjury under the laws of the State of California that the statements in this application and supporting documents pertaining to this application are true and correct.

Signature of Administrative Contact Person: _____ Date: _____

Print Name: _____ Title: _____ County Where signed: _____

Upon the receipt of a completed and qualifying initial application, a bureau field representative will contact your school to schedule a site inspection. Once certified, your institution will be contacted by a bureau representative to make periodic site inspections.

Note: Passing the site inspection **does not constitute certification** of your institution. Your institution **cannot** commence bureau certified training courses, until you receive written approval from this office.

PROCEDURES TO BECOME A BUREAU CERTIFIED INSTRUCTOR

Instructor Certification Categories

The bureau has two instructor categories:

Basic Instructor. A Basic instructor can teach the following bureau certified courses:

- Basic Clean Air Car Course
- BAR ASE alternative courses
- Basic Area (EB) Smog Technician update training course
- Basic Area Smog Technician citation training courses

Advanced Instructor. An Advanced instructor can teach **all** Basic instructor courses, and the following additional courses:

- Advanced Clean Air Car Course
- BAR 97 Transition Course
- Advanced Emission Specialist (EA) update training course
- Advanced Emission Specialist citation training course

Note: To be an Advanced instructor, an individual must hold a current **Basic** instructor certificate, and must have completed an instructor training course (Train-the-Trainer) given by a Master instructor.

Basic Instructor Credentialing Requirements

An applicant who wishes to become a bureau certified **Basic** instructor must fill out page 5 of this application, and must meet **one** of the following instructor certification criteria:

1. Credentialed Applicants. The applicant must possess:

- A. A teaching credential in automotive technology that is recognized by the Department of Education; **or**
- B. Meet the California Community College eligibility requirements for teaching an engine performance course.

Note: An **original** letter from a California community college (on college letterhead stationary) stating the applicant has been **hired** to teach an engine performance course(s) will be accepted as meeting the eligibility requirements.

OR

2. Non-Credentialed Applicants. The applicant must meet one of the following qualifications:

- A. A minimum of **two** years experience in the engine performance area, and a Baccalaureate degree in vocational education (emphasis in automotive technology); **or**
- B. A minimum **four** years experience in the engine performance area, and an Associate of Arts degree or Certificate in automotive technology;
or
- C. A minimum of **six** years experience in the engine performance area.

PROCEDURES TO BECOME A BUREAU CERTIFIED INSTRUCTOR

Basic Instructor Credentialing Requirements (con't)

Non-credentialed applicants must submit a (typed) resume detailing job experience. The resume should include: the employer's name, address, phone number, dates of employment, length of time employed, a short description of job duties, supervisor's name, and a copy of school transcripts or diplomas to verify minimum education requirements (if applicable).

In addition to the experience/education requirements noted above, the non-credentialed applicant must give a short instructional presentation in front of an evaluation committee. The committee will determine if the applicant meets a minimum teaching skills requirement. (see "Instructor Presentation and Evaluation Procedure" on pages 3 and 4 for further details regarding the presentation).

Licensing and Certification Requirements

All applicants must have a current Advanced Engine Performance Specialist (EA) smog technician license, and be **currently** certified by the National Institute of Automotive Service Excellence (ASE) in the following areas:

- Electrical/Electronic Systems (A6)
- Engine Performance (A8)
- Advanced Engine Performance (L1)

Instructor Update Training

Applicants may be required to attend an *instructor* update training course [pursuant to section 3340.33(g)], as a requirement to become a certified instructor. Contact Wayne Brumett at (916) 255-1391 for further information on this training.

Basic Instructor Application

To be considered for **Basic** instructor certification, an applicant must submit to the bureau the following documents for review:

1. A completed page 5 of this application.
2. A copy of the applicant's Advanced Emission Specialist (EA) smog technician license
3. A copy of ASE certificates in the following categories: A6, A8, and L1.
Note: BAR ASE alternative courses are not acceptable.
4. A copy of a vocational instructor credential (credentialed applicants only)
5. A copy of a degree(s) and/or job experience resume (non-credentialed applicants only)

Applicant shall mail the application package to:

Attention: Wayne Brumett
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827

Note: After review of application, non-credentialed applicants will be contacted by phone to set up a presentation date.

INSTRUCTOR PRESENTATION AND EVALUATION PROCEDURES

**Instructional
Presentation
Evaluation
Format**

The applicant will provide a lecture and laboratory demonstration to an evaluation team of BAR and Educational Advisory Committee members (up to 4 evaluators). The applicant's presentation will consist of:

- A lecture on the theory/operation and diagnosis of a computer controlled system or component selected from the "Clean Air Car Course Training Manual" (1993). The applicant may choose the lecture subject material.
- A laboratory demonstration relevant to the lecture subject matter.

The applicant's lecture and demonstration presentation will not be less than 15 minutes, or more than a maximum of 45 minutes in length.

**Evaluation
Sites**

Applicants can choose to be evaluated at any of several public automotive events that occur at various locations and times throughout the year.

Applicants may opt to be evaluated at the Bureau of Automotive Repair in Sacramento at any time of the year.

After review of the application, applicants will be contacted by this office to discuss scheduling a presentation.

**Materials and
Equipment
Criteria**

The applicant must provide the evaluation group (up to four members) with any written materials relevant to the lecture/demonstration (i.e. handouts, diagrams, etc.). The applicant will supply any diagnostic testing equipment, training aids, support equipment, demonstration vehicles, etc. needed to carry out the presentation.

Applicants traveling to Sacramento to give a presentation, may make arrangements with this office to provide support equipment (slide projector, overhead projector, VCR, etc.). The applicant must inform this office at least **two** weeks prior to the presentation of their material needs.

The bureau will provide a training room, and a marker board at any of the above noted evaluation sites. Vehicle demonstrations will be performed in the parking lot of the host setting.

**Evaluation
Criteria**

Applicants will be evaluated on several criteria, some of which are:

- Organization of materials
- Knowledge of subject matter
- Clear explanation of subject matter
- Proper use of training aid(s)
- Material taught at student level
- Presentation skills
- Demonstrated safe practice
- Observed proper diagnostic procedures

INSTRUCTOR PRESENTATION AND EVALUATION PROCEDURES

Evaluation Criteria (con't)	<p>The evaluation committee will assess the applicant's knowledge of the subject matter, delivery skills, and adherence to time constraints.</p> <p>The bureau highly recommends that the applicant practice their presentation in front of other automotive instructor for critiquing, prior to being evaluated by the committee.</p>
Evaluation Process	<hr/> <p>Committee members will use a form to evaluate the presentation. At the end of the evaluation process, the bureau will discuss with the applicant the outcome of the evaluation (positive and negative aspects). The bureau will make the final determination in granting instructor certification to the applicant; based, in part, on the input of the evaluation committee members.</p>
Applicant Re-Evaluations	<hr/> <p>Applicants that fail the presentation evaluation, may choose one of the following re-evaluation processes:</p> <ol style="list-style-type: none">1. Give a follow up (same day) presentation (same subject matter) within a time frame agreed upon by the evaluation committee. The committee may limit the presentation to cover only the areas not adequately addressed in the original presentation/laboratory demonstration. For those applicants that the committee feels may require additional training/practice, the applicant will be required to follow evaluation process number two (below).2. Set up another full presentation evaluation with this office for a different time and date (location). <p>Applicants that fail two presentations in a row, must wait three months from the date of the last failed presentation, to request another evaluation.</p>

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

GRAY DAVIS, Governor



BUREAU OF AUTOMOTIVE REPAIR
10240 SYSTEMS PARKWAY, SACRAMENTO, CA 95827
PHONE: (916) 255-3465

**APPLICATION TO BECOME A BUREAU CERTIFIED BASIC INSTRUCTOR**

Name: _____

First

Middle

Last

Street Address: _____

(no P.O. Box)

City, State, Zip: _____

Home Phone #: (____) _____ Daytime Phone#: (____) _____ Ext: _____

Fax Number: (____) _____ E-Mail Address: _____

Name of bureau certified training institution(s) where you are currently employed:

School Name: _____ School Number: 99 _____

Advanced Emission Specialist (EA) License Number: _____ Expiration Date: _____

Automotive Service Excellence (ASE) certification in the following categories:

Electrical/Electronic Systems (A6)

Expiration Date: _____

Engine Performance (A8)

Expiration Date: _____

Advanced Engine Performance Specialist (L1)

Expiration Date: _____

Note: BAR ASE Alternative courses are not acceptable.**Meet at least one of the following (check one):**

- ☐ Possession of a current credential recognized by the State Department of Education in the field of automotive technology; **or**
- ☐ Meet current California Community College eligibility requirements for a credential in the field of automotive technology; **or**
- ☐ Possess an automotive-related degree or credential, or other qualifying experience, which the bureau determines, upon petition of the applicant, to be substantially equivalent to a California Community College instructor's credential or a credential recognized by the State Department of Education in the field of automotive technology.

I certify under penalty of perjury under the laws of the state of California that the statements in this application are true and correct.

Applicant Signature_____
Date

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

GRAY DAVIS, Governor



BUREAU OF AUTOMOTIVE REPAIR

10240 SYSTEMS PARKWAY, SACRAMENTO, CA 95827
PHONE: (916) 255-3465



APPLICATION TO BECOME A BUREAU CERTIFIED ADVANCED INSTRUCTOR

Name: _____

First Middle Last

Street Address: _____
(no P.O. Box)

City, State, ZIP: _____

Daytime Phone #: () _____ Ext: _____ Home Phone #: () _____

Certification Requirements

To become a bureau certified Advanced instructor, you must meet the requirements in categories 1, 2, and 3, and successfully complete the California Train-the Trainer course:

1. Possession of a current smog technician license:

Advanced Emission Specialist (EA) Technician License Number: EA _____
License Expiration Date: _____

2. Current Automotive Service Excellence (ASE) certification in the following categories:

Electrical/Electronic Systems (A6)	Expiration Date: _____
Engine Performance (A8)	Expiration Date: _____
Advanced Engine Performance Specialist (L1)	Expiration Date: _____

3. Possession of a current bureau issued Basic instructor certificate:

Instructor Certification Number: _____ Expiration Date: _____

I certify under penalty of perjury under the laws of the state of California that the statements in this application are true and correct.

Applicant Signature

Date _____

- Proof of Course Completion -

This section to be filled out by the Master Instructor providing the applicant's training.

I declare that the above noted applicant has successfully completed the California Train-the-Trainer course.

Master Instructor's Name (print): _____

Date of Course Completion: _____

(Master Instructor's Signature)

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

GRAY DAVIS, Governor

BUREAU OF AUTOMOTIVE REPAIR
Standards and Training Branch
10240 Systems Parkway
Sacramento, CA 95827
(916) 255-3465, (916) 255-4352 (fax)

BUREAU CERTIFIED INSTRUCTOR RENEWAL APPLICATION

Check One: ☐ Basic Instructor ☐ Advanced Instructor

Name: _____

Mailing Address: _____

Street Address: _____
(no P.O. Box)

City, State, ZIP: _____

Home Phone #: (____) _____ Daytime Phone #: (____) _____ Ext: _____

Fax Number: (____) _____ E-Mail Address (required) : _____

Name of bureau certified training institution(s) where you are currently employed:

School Name: _____ School Number: 99 _____

Advanced Emission Specialist (EA) Smog Technician License Number: _____

License Expiration Date: _____


Automotive Service Excellence (ASE) certification in the following categories:

Electrical/Electronic Systems (A6) Expiration Date: _____

Engine Performance (A8) Expiration Date: _____

Advanced Engine Performance Specialist (L1) Expiration Date: _____

Note: BAR ASE Alternative courses are not acceptable.

 CALIFORNIA THE GOLDEN STATE									
Consumer Affairs	BAR Homepage	Bureau of Automotive Repair				California Homepage	Governor's Homepage		
Home Page Menu	General Info	Consumer Protection	Smopcheck	Industry	Contacts	Station Search	Site Search	Feedback	Table of Contents
Standards and Training Menu	Administration Forum Notices Forms Publications Instructor Area								
Instructor's Menu	Overview Input Class Rosters List/Update My Classes Reset My Password								

STATE OF CALIFORNIA - STATE CONSUMER SERVICES AGENCY

GRAY DAVIS, Governor



 State of California
 Department of
Consumer Affairs

**BUREAU OF
 AUTOMOTIVE REPAIR**
 Standards & Training
 Branch
 10240 System Parkway,
 Sacramento, CA 95827
 Phone: (916) 255-4214 *
 (fax) (916) 255-4352

**CERTIFIED INSTITUTION'S TRAINING RECORD**

**Select the School Where the Course is/was conducted: (If your school is not listed, please contact Standards & Training at the above listed telephone number.)	991934 / ABRAM FRIEDMAN OCCUPATIONAL CTR., Los Angeles
Select Instructor [0]	CI113559 / Brumett, Wayne
Select Course Description: (If the course is not listed, please contact Standards & Training at the above listed telephone number.)	OBDII (Update Training)

SchoolID=0, CourseID=0, Status=, Session=0, Assignment=0

 CALIFORNIA THE GOLDEN STATE									
Consumer Affairs	BAR Homepage	<i>Bureau of Automotive Repair</i>				California Homepage	Governor's Homepage		
Home Page Menu									
General Info	Consumer Protection	Smogcheck	Industry	Contacts	Station Search	Site Search	Feedback	Table of Contents	
Standards and Training Menu									
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Overview		Input Class Rosters	List/Update My Classes	Reset My Password					

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 10240 System Parkway, Sacramento,
 CA 95827
 Phone: (916) 255-4214 * (fax) (916) 255-4352

**CERTIFIED INSTITUTION'S TRAINING RECORD**

School Name: ABRAM FRIEDMAN OCCUPATIONAL CTR.,
 Los Angeles

School Number: 991934

Instructor's Name: Brumett, Wayne

Instructor's ID Number: 182

Course: OBDII (Update Training)

Session Start Date:

01/03/01

mm/dd/yyyy

Session Complete Date:

01/05/01


mm/dd/yyyy

Session Status

Completed ▼

Submit

SchoolID=30, CourseID=9, Status=, Session=0, Assignment=0

 CALIFORNIA THE GOLDEN STATE									
Consumer Affairs	BAR Homepage	Bureau of Automotive Repair				California Homepage	Governor's Homepage		
Home Page Menu	General Info	Consumer Protection	Smogcheck	Industry	Contacts	Station Search	Site Search	Feedback	Table of Contents
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 Phone: (916) 255-4214 * (fax)
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CERTIFIED INSTITUTION'S TRAINING RECORD

School Name: ABRAM FRIEDMAN OCCUPATIONAL CTR., **School Number:** 991934
 Los Angeles

Instructor's Name: Brumett, Wayne
Course: OBDII (Update Training)

Instructor's ID Number: 182
Start: 01/03/01
Complete: 01/05/01
Status: Completed

Enroll No.	Student's First Name and MI	Last Name	Smog License # (Specify EB or EA)	Other ID (skip if Smog Lic. Entered)	Final Res
3593	John E.	Doe	EA111111		

[Add Student to Roster](#)

(click on Enroll Number to modify or delete a student from this list)

[Display for Printing](#)

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

GRAY DAVIS, Governor

**APPLICATION FOR SMOG CHECK TECHNICIAN LICENSE****LICENSING DIVISION (BAR)**

P.O. BOX 989001
WEST SACRAMENTO, CA 95798-9001
(916) 255-3145



Bureau of Automotive Repair

Overview of License Requirements:

- Licensure is required for all persons inspecting, testing, diagnosing, and/or repairing vehicles with the purpose of certification in the Smog Check program. *(Per 44031.5.(a) and 44032 of the Health and Safety Code)*
- No person shall sell, issue, cause or permit to be issued any certificate purported to be a valid certificate of compliance or noncompliance unless licensed to do so. *(Per section 3340.35(e) of Title 16 of the California Code of Regulations)*
- All applicants are required to meet the training and/or certification requirements as listed in this application, and pass an examination to obtain a license. An examination fee will be charged. *(Per 44045.5 & .6 and 44034.1 of the Health and Safety Code)*
- A licensed technician whose license has expired shall immediately cease to inspect, test, diagnose, and/or repair failed vehicles. *(Per section 3340.30(d) of Title 16 of the California Code of Regulations)*
- Licenses must be posted prominently under a transparent material in an area frequented by consumers. *(Per section 3340.15(d) of Title 16 of the California Code of Regulations)*
- All licensees must inform the Bureau of an address change within 14 days. *Send address change to the above address. (Per section 3303.3 of Title 16 of the California Code of Regulations)*

ALL APPLICATIONS WILL BE REJECTED AND FEE NOT REFUNDED FOR FAILURE TO :

- Include required documentation (i.e. ASE certification and/or original completed page 4); or
- Complete questions regarding applicant's background; or
- Submit a completed original application with all pages.

IF YOUR APPLICATION IS ACCEPTED, you will be contacted by the examination service contractor to schedule your examination. A \$65.00 examination fee is required per attempt and is payable directly to the examination service. You must bring two forms of ID to the examination. Read the Candidate Handbook for complete instructions.

You must pass the examination within 90 days of receipt of notification that you are qualified to take the exam, or you must submit a new application and application fee.

Disclosure of your social security number (SSN) is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455(42 USCA 405(c)(2)(C) authorizes collection of your SSN. Your SSN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Family Code section 17520, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. **If you fail to disclose your SSN, your application will not be processed and you will be reported to the Franchise Tax Board, which may assess a \$100.00 penalty against you.**

Per California Civil Code, Section 1798.17 (Information Practice Act), the Director of the Department is responsible for maintaining the information in this application. This information may be transferred to other governmental and enforcement agencies. Individuals have the right to review the records maintained on them by the agencies, unless the records are exempt by Section 1798.40 of the Civil Code.

Examination cheating is in violation of Section 123 of the Business and Professions Code. Examination cheating can result in denial of application, suspension, revocation and restriction of a license. Once the examination begins, no talking or other communication which compromises the exam is permitted between applicants. Details are contained in Section 123 of the Business and Professions Code. A copy is contained in the Candidate Handbook to the California Bureau of Automotive Repair Smog Check Technician Licensing Examination as well as in the laws and regulations booklet published by BAR.

INSTRUCTIONS:

1. Read all instructions and information contained in this application.
2. Pay fees by check or money order made payable to "Licensing Division - BAR."
3. Submit a completed application with all the appropriate documents and fees to the Licensing Division at the above address.

IF ANY INFORMATION IS OMITTED, THE APPLICATION WILL BE RETURNED TO YOU FOR COMPLETION AND WILL DELAY PROCESSING.

APPLICATION FOR SMOG CHECK TECHNICIAN LICENSE

Application Fee \$20.00

Type of License: *Check one only*

- ☐ Advanced Emission Specialist ☐ Intern Technician
☐ Basic Area Technician

Application Type: *Check one only*

- ☐ Initial ☐ Renewal

For Department Use Only	
Qualification Number	_____
Receipt Number	_____
Reviewed & Approved By	_____
Signature	_____
Date Processed	_____

Please type or print legibly in ink

Note: Name on application must match name on California Driver License or California ID Card or Active Military ID.
 You must present the same photo identification at examination.

Applicant's Full Name:		LAST	FIRST	MIDDLE
Date of Birth:	Month	Day	Year	Social Security Number:
California Driver License/ID Card/or Military I.D. Number:			Smog Check Technician License Number:	Expiration Date:
			E	/ /
Applicant's Home Address:		Number and Street (No Post Office Boxes)		City State Zip Code
Applicant's Mailing Address:		Number and Street or Post Office Box		City State Zip Code
(if different than above)				
Applicant's Home Area Code and Telephone Number:		Applicant's Work Area Code and Telephone Number:		
()		()		
Employer's Full Business Name:		Automotive Repair Dealer Registration or Fleet Station License Number:		
Business Address:		Number and Street		City State Zip Code

Applicant's Background: *Attach additional sheets if necessary.*

1. Have you ever been issued a license, certificate, or registration by this Department? If yes, please explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Have you ever had any license, certificate, or registration denied, suspended, revoked, or placed on probation by this Department? If yes, please explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Have you ever been issued a citation by this Department? If yes, please explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Have you ever been convicted of, or pled nolo contendere to, any misdemeanor or felony offense of any state, or of the United States? If Yes, please explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO
NOTE: If you have a disability or impairment for which you may need assistance during an examination, please call the BAR Licensing Unit at (916) 255-3145 to request an official "Special Accommodation Form." This form must be completed by a health care professional and be submitted to the Licensing Division with your application.	

ADVANCED EMISSION SPECIALIST SMOG TECHNICIAN APPLICANTS MUST COMPLETE THIS SECTION

ADVANCED EMISSION SPECIALIST TECHNICIAN: *May inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the Smog Check Program at Smog Check stations in all areas of the state.*

Note: To perform an official Smog Check inspection in an enhanced program area, you must also complete the Bureau's "Bar 97 Transition Class."

REQUIREMENTS FOR LICENSURE: An examination is required. You must meet requirements 1, 2, & 3 to qualify to take the examination.

REQUIREMENT 1. EDUCATION/EXPERIENCE: *You must meet one of the following requirements. Check the box next to the requirement you meet:*

- OR ☐ I have a valid unexpired Advanced Emission Specialist Smog Check Technician License;
- OR ☐ I possess a valid unexpired Basic Area Smog Check Technician license, and have completed the Bureau's "Advanced Clean Air Car Course" within the last twelve months (course completion should be noted on page 4 of this application);
- OR ☐ I possess a valid unexpired Intern Technician License, have one year experience as an Intern Technician, and have completed the Bureau's "Advanced Clean Air Car Course" within the last twelve months (course completion should be noted on page 4 of this application);
- OR ☐ I have one year automotive experience and/or education in the engine performance area, and have completed the Bureau's "Basic and Advanced Clean Air Car Courses" within the last twelve months (course completion should be noted on page 4 of this application).
- OR ☐ I possess an Associate of Arts, Associate of Science, or higher degree in Automotive Technology from a state accredited or recognized college, or public school, or trade school AND I have successfully completed the Bureau of Automotive Repair's Basic and Advanced Clean Air Car Course within the last twelve months. **PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED;**
- OR ☐ I possess a certificate in Automotive Technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course-work in the engine performance area AND I have successfully completed the Bureau of Automotive Repair's Basic and Advanced Clean Air Car Course within the last twelve months. **PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED;**

CONTINUED ON NEXT PAGE

REQUIREMENT 2. CERTIFICATION: You must meet **ALL** of the following **three** certification requirements. You may meet these requirements through certification from the National Institute for Automotive Service Excellence (ASE) and/or by completion of a training program approved by the Bureau of Automotive Repair in a similar subject area (courses should be noted on page 4 of application).

I have the following ASE certification(s): (check the appropriate box)		I have completed the following Bureau alternative course(s): (check the appropriate box)
1. <input type="checkbox"/> Electrical/Electronic Systems (A 6)		<input type="checkbox"/> Electrical and Electronic Systems
2. <input type="checkbox"/> Engine Performance (A 8)	AND/OR	<input type="checkbox"/> Engine Performance Diagnosis and Repair
3. <input type="checkbox"/> Advanced Engine Performance Specialist (L1)		<input type="checkbox"/> Advanced Emission Systems Diagnosis and Repair

YOU MUST ATTACH copies of valid and unexpired ASE certifications and/or a completed page four(s) of this application noting completion of Bureau alternative courses. The page four must have a course certification stamp, and an original signature from the course instructor. The Bureau will not accept copies of completed page fours.

Note: This documentation is not needed if the Bureau has a record of unexpired certifications or courses from a previous application.

REQUIREMENT 3. UPDATE TRAINING: (As required by the Bureau)
Check the box if you meet this requirement

☐ I have completed the required Bureau of Automotive Repair certified update training course. PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED.

BASIC AREA SMOG TECHNICIAN APPLICANTS MUST COMPLETE THIS SECTION

BASIC AREA TECHNICIAN: May inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the Smog Check Program at Smog Check stations in areas of the state designated as Basic Smog Check Program areas.

REQUIREMENTS FOR LICENSURE: Examination Required. You must meet requirements 1, 2, & 3 to qualify to take the examination.

REQUIREMENT 1. EDUCATION/EXPERIENCE: You must meet **one** of the following requirements. Check the box next to the requirement you meet.

☐ I possess a valid unexpired Basic Area, or Advanced Emission Specialist Smog Check Technician License;

OR

☐ I possess a valid unexpired Intern Technician License, and have one year experience as an Intern Technician;

OR

☐ I have one year of automotive experience and/or education in the engine performance area, and have completed the Bureau's Basic Clean Air Car Course within the last twelve months (course completion should be noted on page 4 of this application).

OR

☐ I possess an Associate of Arts, Associate of Science, or higher degree in Automotive Technology from a state accredited or recognized college, or public school, or trade school AND I have successfully completed the Bureau of Automotive Repair's Basic Clean Air Car Course within the last twelve months. PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED;

OR

☐ I possess a certificate in Automotive Technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course-work in the engine performance area AND I have successfully completed the Bureau of Automotive Repair's Basic Clean Air Car Course within the last twelve months. PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED;

REQUIREMENT 2. CERTIFICATION: You must meet **ALL** of the following **three** certification requirements (see note below). You may meet these requirements through certification from the National Institute for Automotive Service Excellence (ASE) and/or by completion of a training program approved by the Bureau of Automotive Repair in a similar subject area (courses should be noted on page 4 of application).

I have the following ASE certification(s): (check the appropriate box)		I have completed the following Bureau alternative course(s): (check the appropriate box)
1. <input type="checkbox"/> Electrical/Electronic Systems (A 6)		<input type="checkbox"/> Electrical and Electronic Systems
2. <input type="checkbox"/> Engine Performance (A 8)	AND/OR	<input type="checkbox"/> Engine Performance Diagnosis and Repair
3. <input type="checkbox"/> Advanced Engine Performance Specialist (L1) (see note below)		<input type="checkbox"/> Advanced Emission Systems Diagnosis and Repair (see note below)

NOTE: The Advanced Engine Performance Specialist (L1) certificate OR the Advanced Emission Systems Diagnosis and Repair course is required if a renewal applicant's license expires after December 31, 2001, or a new applicant's application is postmarked after December 31, 2001.

YOU MUST ATTACH copies of valid and unexpired ASE certifications and/or a completed page four(s) of this application noting completion of Bureau ASE alternative courses. The page four must have a course certification stamp, and an original signature from the course instructor. The Bureau will not accept copies of completed page fours.

Note: This documentation is not needed if the Bureau has a record of unexpired certifications or courses from a previous application.

REQUIREMENT 3. UPDATE TRAINING: (As required by the Bureau)
Check the box if you meet this requirement

☐ I have completed the required Bureau of Automotive Repair certified update training course. PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED.

INTERN APPLICANTS MUST COMPLETE THIS SECTION

INTERN TECHNICIAN: Under the direction of a licensed supervising technician, the Intern Technician may perform repairs or adjustments to the emissions control systems on failed vehicles subject to the Smog Check program at Smog Check stations in all areas of the state. The Intern Technician license expires in two years and is nonrenewable (can be issued to an individual only once).

REQUIREMENTS FOR LICENSURE: You must meet the following requirement. Check the box if you meet this requirement.

☐ I have one year experience and/or education in the engine performance area, and have completed the Bureau's Basic Clean Air Car Course within the last twelve months (course completion should be noted on page 4 of this application).

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA the statements I have made in this application are true and correct.

Signature of Applicant: _____ Date: _____

EVIDENCE OF COMPLETION OF BUREAU CERTIFIED TRAINING COURSE(S)

THIS PAGE MUST BE COMPLETED BY THE INSTRUCTOR

- Instructor shall check the "Yes" box on courses successfully completed by the student.
- Instructor shall check the "No" box on courses not given by the instructor, or not successfully completed by the student.
- School or trade organization certificates cannot be used in place of this form to qualify for licensure.
- Students must send in this form with instructor's original signature (faxes and copies are not acceptable).
- Schools shall maintain a copy of this page on file for three years.

Note: The instructor may copy this page if other blank copies are needed.

Applicant's Name:	Last	First	Middle	Applicant's California Driver License/ID Card/or Military I.D. Number:
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Answer "Yes" or "No", DO NOT leave blank

COURSE TITLE	COURSE COMPLETED		COURSE COMPLETION DATE
Basic Clean Air Car Course	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Advanced Clean Air Car Course	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Update Training <i>COURSE TITLE:</i> _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
BAR 97 Transition Class	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
BUREAU ALTERNATIVE COURSES			
Electrical and Electronic Systems	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Engine Performance Diagnosis and Repair	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Advanced Engine/Emission Systems Diagnosis and Repair	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Print the name of the school:	COURSE CERTIFICATION STAMP AREA
Print the city and county where the certification was signed:	
Print the name of the instructor:	
NOTE: INSTRUCTOR SHALL SIGN CERTIFICATION STAMP AREA IN A COLOR OTHER THAN BLACK	

§ 3340.41.3. Invoice Requirements.

The invoice for service, adjustments or repairs performed as part of the smog check program shall describe all service work done and parts supplied to reduce emissions, in the manner prescribed by section 9884.8 of the Business and Professions Code.

A general description, such as “low-emissions tune up,” “scope and adjust,” “reduce emissions,” or the like is insufficient to satisfy the requirements of section 9884.8 of the Business and Professions Code.

NOTE: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44015(b), Health and Safety Code; and Sections 9884.7(1)(a) and 9884.8, Business and Professions Code.

HISTORY

1. New section filed 8–24–88; operative 9–23–88 (Register 88, No. 37).
2. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).

§ 3340.41.5. Tampering with Emissions Control Systems.

A tampered emissions control system is an emissions control system which is missing, modified or disconnected. An emissions control system which has a missing, modified, or disconnected emissions related component is also deemed a tampered emissions control system. For purposes of the visual emission control system inspection pursuant to Health and Safety Code Section 44012(a), the terms missing, modified and disconnected are defined as follows:

(a) Missing. A missing emissions control system or component is one which has been removed from the vehicle or engine.

(b) Modified. An emissions control system is deemed to have been modified if:

(1) the system has been disabled, even though it is present and properly connected to the engine and/or vehicle;

(2) an emissions related component of the system has been replaced by a component not marketed by its manufacturer for street use on the vehicle; or

(3) an emissions related component of the system has been changed such that there is no capacity for connection with or operation of other emissions control components or systems;

(c) Disconnected. A disconnected hose, wire, belt or component is one which is required for the operation of an emissions control system and which has been disconnected.

NOTE: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012(a), 44013(b) and 44017, Health and Safety Code.

HISTORY

1. New section filed 11–7–84; effective thirtieth day thereafter (Register 84, No. 45).

§ 3340.42. Smog Check Emissions Test Methods and Standards.

With the exception of diesel-powered vehicles addressed in subsection (f) of this section, the following emissions test methods and standards apply to all vehicles:

(a) A loaded-mode test, except as otherwise specified, shall be the test method used to inspect vehicles registered in the enhanced program areas of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions, as contained in the bureau’s specifications referenced in subsection (b) of Section 3340.17 of this article. The loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau.

Until March 31, 2010, exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE I or TABLE II, as applicable.

On and after March 31, 2010, exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emissions standards shown in the VLT Row Specific Emissions Standards (Cutpoints) Table, dated July 2009, which is hereby

incorporated by reference. If the emissions standards for a specific vehicle is not included in this table then the exhaust emissions shall be compared to the emissions standards set forth in TABLE I or TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured emissions are less than or equal to the applicable emission standards specified in the applicable table.

(b) A two-speed idle mode test, unless a different test is otherwise specified in this article, shall be the test method used to inspect vehicles registered in all program areas of the state, except in those areas of the state where the enhanced program has been implemented. The two-speed idle mode test shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau’s specifications referenced in subsection (b) of Section 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its measured emissions are less than or equal to the applicable emissions standards specified in Table III.

(c)(1) In the enhanced program areas, heavy-duty vehicles shall be tested using the loaded-mode test as provided in subsection (a) of this section, unless:

(A) The vehicle has a drive axle weight that exceeds 5,000 pounds when the vehicle is unloaded, or

(B) The vehicle is classified by the Department of Motor Vehicles as a motorhome, or

(C) The vehicle has a body and/or chassis configuration or modification made for business purposes that renders the vehicle incompatible with loaded-mode testing, or

(D) The emission inspection system prompts the technician to perform the two-speed idle test.

(2) For the purposes of this subsection, the term “unloaded” shall mean that the vehicle is not currently transporting loads for delivery or is not carrying items of a temporary nature, but excludes items that have been welded, bolted or otherwise permanently affixed to the vehicle, and tools, supplies, parts, hardware, equipment or devices of a similar nature that are routinely carried in or on the vehicle in the performance of the work for which the vehicle is primarily used.

(3) For the purposes of this subsection, modifications that render a vehicle incompatible with loaded-mode testing shall not include any tire, wheel, body or chassis modifications made for other than business purposes.

(4) If it is determined that a heavy-duty vehicle cannot be subjected to a loaded-mode test for any of the reasons set forth in subparagraphs (A) through (D) of paragraph (1) of this subsection, the technician shall perform a two-speed idle test. The technician shall also note on the final invoice the justification for the performance of a two-speed idle test.

(d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are as follows:

(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions standards included in the tables described in subsections (a) and (b), as applicable.

(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions pertaining to gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle’s emissions are reduced to or below the applicable emissions standards for the vehicle included in the tables described in subsections (a) and (b), as applicable. However, the provisions described in section 44017 of the Health and Safety Code may apply.

(4) This subsection applies in all program areas statewide to

vehicles requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety Code

(e) In addition to the test methods prescribed in this section, the following tests shall apply to all vehicles, except diesel-powered vehicles, during the Smog Check inspection:

(1) A visual inspection of the vehicle's emissions control systems. During the visual inspection, the technician shall verify that the following emission control devices, as applicable, are properly installed on the vehicle:

- (A) air injection systems,
- (B) computer(s) and related sensors and switches,
- (C) crankcase emissions controls, including positive crankcase ventilation,
- (D) exhaust gas after treatment systems, including catalytic converters,
- (E) exhaust gas recirculation (EGR) systems,
- (F) fuel evaporative emission controls,
- (G) fuel metering systems, including carburetors and fuel injection,
- (H) ignition spark controls, and
- (I) any emissions control systems that are not otherwise prompted by the Emissions Inspection System, but listed as a requirement by the vehicle manufacturer.

(2) A functional inspection of the vehicle's emission control systems. During the functional inspection, the technician shall conduct, as applicable, the following tests and verifications of the vehicle:

- (A) proper operation of the exhaust gas recirculation (EGR) system,
 - (B) a check of the gasoline filler cap's integrity,
 - (C) proper setting of ignition timing,
 - (D) a low pressure check of the fuel evaporative control system,
 - (E) proper operation of the malfunction indicator light (MIL) or "Check Engine Light," and
 - (F) an on-board diagnostics (OBD) system test.
- (3) A liquid leak inspection of the vehicle's fuel storage and delivery systems.

(4) An inspection of the vehicle's tailpipe and crankcase for the emissions of smoke.

(f) On or after January 1, 2010, all 1998 model year and newer diesel-powered vehicles, with a gross vehicle weight rating of 14,000 or less pounds, are subject to the Smog Check Program. The following required inspections apply to all diesel-powered vehicles:

(1) A visual inspection of the vehicle's emissions control systems. During the visual inspection, the technician shall verify that the following emission control devices, as applicable, are properly installed on the vehicle:

- (A) computer(s) and related sensors and switches,
- (B) crankcase emissions controls,
- (C) exhaust gas after treatment systems, including catalytic converters and particulate filters,
- (D) exhaust gas recirculation (EGR) systems,
- (E) fuel metering systems, including fuel injection, and
- (F) any emissions control systems that are not otherwise prompted by the Emissions Inspection System, but listed as a requirement by the vehicle manufacturer.

(2) A functional inspection of the vehicle's emission control systems. During the functional inspection, the technician shall conduct, as applicable, an on-board diagnostics (OBD) system test.

(3) An inspection of the vehicle's tailpipe and crankcase for the emissions of smoke.

NOTE: Authority cited: Sections 44001.5, 44002, 44003, 44012, 44012.1, 44013 and 44036, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 39032.5, 44002, 44003, 44005, 44010, 44011, 44011.3, 44012, 44012.1, 44013, 44014, 44014.5, 44014.7, 44015, 44017.1, 44032, 44033,

44036, 44037.1, 44062.1 and 44081, Health and Safety Code; and Sections 9884.8 and 9884.9, Business and Professions Code.

HISTORY

1. Editorial correction of printing error (Register 84, No. 32).
2. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
3. Amendment of Table II filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
4. Amendment of section and NOTE, repealer and new Tables I-II, and new Table III filed 6-22-95 as an emergency; operative 6-22-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-20-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-22-95 order including amendment of section and Tables I-III transmitted to OAL 10-20-95 and filed 12-1-95 (Register 95, No. 48).
6. Amendment of first paragraph filed 4-29-96 as an emergency; operative 4-29-96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
7. Amendment of opening paragraph and subsection (b), repealer of subsection (c)(5) and subsection renumbering and amendment of newly designated subsection (c)(5) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 4-29-96 order transmitted to OAL 8-21-96 and filed 9-30-96 (Register 96, No. 40).
9. Certificate of Compliance as to 7-26-96 order, including amendment of first paragraph and subsections (a)(1)(C)1.-3. and (b), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
10. Amendment of Table III filed 4-4-97 as an emergency; operative 4-4-97 (Register 97, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-4-97 or emergency language will be repealed by operation of law on the following day.
11. Editorial correction of first paragraph (Register 97, No. 33).
12. Certificate of Compliance as to 4-4-97 order transmitted to OAL 7-2-97 and filed 8-13-97 (Register 97, No. 33).
13. Amendment of section heading, section and NOTE filed 9-10-2001; operative 9-10-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 37).
14. Amendment of first paragraph filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.
15. Repealer and new Table I filed 5-28-2002; operative 6-27-2002 (Register 2002, No. 22).
16. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).
17. Amendment of section and repealer and new Table II filed 1-21-2003; operative 2-20-2003 (Register 2003, No. 4).
18. Change without regulatory effect amending Table II filed 6-4-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 23).
19. Amendment of first paragraph filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).
20. Change without regulatory effect amending first paragraph and subsections (a)(2)-(3), (b)(3), (b)(6)-(7), (d)(1) and (d)(4) filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).
21. New subsections (c)-(c)(3), subsection relettering and amendment of NOTE filed 8-1-2007; operative 8-1-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 31).
22. Amendment of section heading, section and NOTE and new Figure 1 filed 1-11-2008; operative 1-11-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 2).
23. Editorial correction of subsections (a) and (f) (Register 2008, No. 44).
24. Amendment filed 11-5-2009; operative 12-5-2009 (Register 2009, No. 45).
25. Amendment of section heading, section and NOTE filed 12-16-2009; operative 12-16-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 51).

TABLE I
Acceleration Simulation Mode
Emission Standards and Gross Polluter Standards

ESC	MODEL YEAR GROUP	VEHICLE TYPE				PASS/FAIL EMISSION STANDARD				GROSS POLLUTER STANDARD			
		PC	LDT1	LDT2	MDV	HDV	HC	CO	NO	HC	CO	NO	HC
1	1974-	X	X	X			A 235.4	1.74	1301.5	185.4	1.76	1161.5	435.4
							B 436041.7	4453.19	1192593.0	436041.7	4453.19	1192593.0	436041.7
2	1975-1980	X					A 123.0	0.58	1016.3	90.3	0.57	876.3	315.3
							B 273316.7	1362.96	1043519.0	273316.7	1362.96	1043519.0	273316.7
3	1981-1983	X					A 63.2	0.37	850.0	42.1	0.29	680.0	253.1
							B 234259.3	1064.81	894444.5	212963.0	1064.81	894444.5	234259.3
4	1984-1986	X					A 67.0	0.39	850.0	42.1	0.31	680.0	242.4
							B 212963.0	979.63	894444.5	212963.0	979.63	894444.5	212963.0
5	1987-1992	X					A 57.0	0.16	608.0	31.7	0.09	547.0	231.7
							B 191666.7	851.85	596296.3	191666.7	851.85	596296.3	191666.7
6	1993-1995	X					A 16.8	0.10	260.0	0.5	0.08	547.0	234.3
							B 128501.9	315.00	596296.3	128501.9	315.00	596296.3	128501.9
7	1996-2000	X					A 16.8	0.10	260.0	0.5	0.08	547.0	234.3
							B 128501.9	315.00	596296.3	128501.9	315.00	596296.3	128501.9
8	2001-2003	X					A 16.8	0.10	260.0	0.5	0.08	547.0	234.3
							B 128501.9	315.00	596296.3	128501.9	315.00	596296.3	128501.9
9	2004+	X					A 16.8	0.10	260.0	0.5	0.08	547.0	234.3
							B 128501.9	315.00	596296.3	128501.9	315.00	596296.3	128501.9
10	1975-1978		X				A 139.4	0.43	1320.9	105.0	0.42	1180.9	330.0
							B 225000.0	2025.00	745370.4	225000.0	2025.00	745370.4	225000.0
11	1979-1983		X				A 139.4	0.43	1320.9	105.0	0.42	1180.9	330.0
							B 225000.0	2025.00	745370.4	225000.0	2025.00	745370.4	225000.0
12	1984-1987		X				A 91.3	0.41	945.0	63.1	0.32	840.0	280.0
							B 150000.0	1725.00	525000.0	150000.0	1725.00	525000.0	150000.0
13	1988-1992		X				A 83.0	0.26	875.0	63.1	0.22	735.0	270.0
							B 150000.0	1725.00	525000.0	150000.0	1725.00	525000.0	150000.0
14	1993-1995		X				A 22.1	0.10	377.0	5.8	0.08	630.0	247.5
							B 112500.0	315.00	525000.0	112500.0	315.00	525000.0	112500.0
15	1996-2000		X				A 22.1	0.10	377.0	5.8	0.08	630.0	247.5
							B 112500.0	315.00	525000.0	112500.0	315.00	525000.0	112500.0
16	2001-2003		X				A 22.1	0.10	377.0	5.8	0.08	630.0	247.5
							B 112500.0	315.00	525000.0	112500.0	315.00	525000.0	112500.0
17	2004+		X				A 22.1	0.10	377.0	5.8	0.08	630.0	247.5
							B 112500.0	315.00	525000.0	112500.0	315.00	525000.0	112500.0
18	1975-1978			X			A 139.4	0.43	1320.9	105.0	0.42	1180.9	330.0
							B 225000.0	2025.00	745370.4	225000.0	2025.00	745370.4	225000.0
19	1979-1983		X				A 139.4	0.43	1320.9	105.0	0.42	1180.9	330.0
							B 225000.0	2025.00	745370.4	225000.0	2025.00	745370.4	225000.0
20	1984-1987		X				A 91.3	0.41	945.0	63.1	0.32	840.0	280.0
							B 150000.0	1725.00	525000.0	150000.0	1725.00	525000.0	150000.0
21	1988-1992		X				A 83.0	0.26	875.0	63.1	0.22	735.0	270.0
							B 150000.0	1725.00	525000.0	150000.0	1725.00	525000.0	150000.0
22	1993-1995		X				A 22.1	0.10	377.0	5.8	0.08	630.0	247.5
							B 112500.0	315.00	525000.0	112500.0	315.00	525000.0	112500.0
23	1996-2000		X				A 22.1	0.10	377.0	5.8	0.08	630.0	247.5
							B 112500.0	315.00	525000.0	112500.0	315.00	525000.0	112500.0
24	2001-2003		X				A 22.1	0.10	377.0	5.8	0.08	630.0	247.5
							B 112500.0	315.00	525000.0	112500.0	315.00	525000.0	112500.0
25	2004+		X				A 22.1	0.10	377.0	5.8	0.08	630.0	247.5
							B 112500.0	315.00	525000.0	112500.0	315.00	525000.0	112500.0

1 of 2
 TABLE I.x1s
 modified: 10/31/2001

TABLE I
Acceleration Simulation Mode
Emission Standards and Gross Polluter Standards

ESC	MODEL YEAR GROUP	VEHICLE TYPE					PASS/FAIL EMISSION STANDARD					GROSS POLLUTER STANDARD							
		PC	LD1	LD2	MDV	HDV	ASM 5015			ASM 2525			ASM 5015			ASM 2525			
							HC	CO	NO	HC	CO	NO	HC	CO	NO	HC	CO	NO	
26	1978-				X		A	173.3	2.90	1703.3	123.3	2.70	1563.3	423.3	5.40	3233.3	373.3	5.20	3033.3
27	1979-1983						B	583333.3	3500.00	163333.3	583333.3	3500.00	1633333.3	583333.3	3500.00	233333.3	583333.3	3500.00	233333.3
					X		A	139.4	0.43	1315.7	80.0	0.42	1175.7	320.0	2.38	2479.6	255.0	2.18	2279.6
28	1984-1987						B	225000.0	2025.00	596296.3	150000.0	2025.00	596296.3	225000.0	2025.00	851851.9	150000.0	2025.00	851851.9
					X		A	91.3	0.41	945.0	63.1	0.32	840.0	280.0	1.71	1850.0	230.0	1.80	1700.0
29	1988-1992						B	150000.0	1725.00	525000.0	150000.0	2250.00	1050000.0	150000.0	1725.00	750000.0	150000.0	2250.00	1500000.0
					X		A	83.0	0.26	875.0	63.1	0.22	735.0	270.0	1.57	1600.0	220.0	1.73	1400.0
30	1993-1995						B	150000.0	1725.00	525000.0	150000.0	1725.00	525000.0	150000.0	1725.00	750000.0	150000.0	1725.00	750000.0
					X		A	71.2	0.30	875.0	60.0	0.22	735.0	300.0	1.60	1750.0	250.0	2.00	1550.0
31	1996-2000						B	150000.0	1350.00	525000.0	150000.0	1725.00	525000.0	150000.0	1350.00	750000.0	150000.0	1500.00	750000.0
					X		A	71.2	0.30	875.0	60.0	0.22	735.0	300.0	1.60	1750.0	250.0	2.00	1550.0
32	2001-2003						B	150000.0	1350.00	525000.0	150000.0	1725.00	525000.0	150000.0	1350.00	750000.0	150000.0	1500.00	750000.0
					X		A	71.2	0.30	875.0	60.0	0.22	735.0	300.0	1.60	1750.0	250.0	2.00	1550.0
33	2004+						B	150000.0	1350.00	525000.0	150000.0	1725.00	525000.0	150000.0	1350.00	750000.0	150000.0	1500.00	750000.0
					X		A	71.2	0.30	875.0	60.0	0.22	735.0	300.0	1.60	1750.0	250.0	2.00	1550.0
34	1978-						B	150000.0	1350.00	525000.0	150000.0	1725.00	525000.0	150000.0	1350.00	750000.0	150000.0	1500.00	750000.0
					X		A	243.8	3.92	2615.8	199.8	3.92	2770.8	594.9	7.29	4970.0	605.4	7.57	5375.4
35	1979-1983						B	583333.3	3500.00	163333.3	583333.3	3500.00	1633333.3	583333.3	3500.00	1633333.3	583333.3	3500.00	1633333.3
					X		A	205.5	2.16	2250.6	106.0	1.96	2400.6	454.2	5.83	4231.1	338.1	6.29	4657.2
36	1984-1987						B	225000.0	2025.00	596296.3	150000.0	2025.00	596296.3	225000.0	2025.00	596296.3	150000.0	2025.00	596296.3
					X		A	143.0	1.60	2162.5	78.0	1.80	1975.0	307.5	6.67	4238.5	224.6	6.48	3989.5
37	1988-1992						B	150000.0	1725.00	525000.0	150000.0	2250.00	1050000.0	150000.0	1725.00	525000.0	150000.0	2250.00	1050000.0
					X		A	105.0	1.01	2112.5	78.0	1.24	2062.5	236.3	5.87	3865.9	244.9	4.98	3918.8
38	1993-1995						B	150000.0	1725.00	525000.0	150000.0	1875.00	525000.0	150000.0	1725.00	525000.0	150000.0	1875.00	525000.0
					X		A	105.0	0.49	1912.5	75.0	1.22	1862.5	210.0	2.61	3825.0	187.5	3.49	3929.9
39	1996-2000						B	150000.0	1350.00	525000.0	150000.0	1500.00	525000.0	150000.0	1350.00	525000.0	150000.0	1500.00	525000.0
					X		A	105.0	0.49	1662.5	75.0	1.16	1462.5	210.0	2.61	3325.0	187.5	3.32	3085.9
40	2001+						B	150000.0	1350.00	525000.0	150000.0	1500.00	525000.0	150000.0	1350.00	525000.0	150000.0	1500.00	525000.0
					X		A	105.0	0.49	1662.5	75.0	1.16	1462.5	210.0	2.61	3325.0	187.5	3.32	3085.9
							B	150000.0	1350.00	525000.0	150000.0	1500.00	525000.0	150000.0	1350.00	525000.0	150000.0	1500.00	525000.0

Legend:

ESC - Emissions Standard Category

VTW - Vehicle test weight.

GVWR - Manufacturer's Gross Vehicle Weight Rating

HC - Hydrocarbon, ppm

CO - Carbon Monoxide, %

NO - Nitric Oxide, ppm

Pass/Fail Emission Standards = A + B / VTW

PASS/FAIL STANDARDS - Emission standards used to determine if a vehicle passes the emission inspection. A vehicle passes if the emission levels are equal to or less than the standards for HC, CO and NO for ASM 5015 and ASM2525.

GROSS POLLUTER STANDARDS - Emission standards used to designate a vehicle as a gross polluter. A vehicle is designated as a gross polluter if the emissions levels at the time of the initial inspection, before repairs are greater than the gross polluter standards for HC, CO or NO for ASM 5015 or ASM2525.

NOTE:

If test data on emission pass/fail rates or gross polluter identification rates indicate adjustments are required, the emission standards may be increased or decreased by the bureau by 30% or by the following tolerances, or standards may be set for any specific vehicle and engine configuration which the bureau determines has excessive errors of commission or omission, whichever is necessary to comply with Section 44001.5 of the Health and Safety Code.
 HC = 150 ppm, CO = 1.50%, NO = 350 ppm.

TABLE II
Acceleration Simulation Mode
Emission Standards and Gross Polluter Standards for Heavy-Duty Vehicles

ESC	MODEL YEAR GROUP	VEHICLE TYPE						AVG. EMISSIONS FOR PASSING VEHICLES						PASS/FAIL EMISSION STANDARD						GROSS POLLUTER STANDARD																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
		PC		LDT1		LDT2		MDV		HDV		ASM 5015			ASM 2525			ASM 5015			ASM 2525			ASM 5015			ASM 2525																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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Legend:

ESC - Emissions Standard Category

VTW - Vehicle test weight.

GVWR - Manufacturer's Gross Vehicle Weight Rating

HC - Hydrocarbon, ppm

CO - Carbon Monoxide, %

NO - Nitric Oxide, ppm

Pass/Fail Emission Standards = A + B / VTW

PASS/FAIL STANDARDS - Emission standards used to determine if a vehicle passes the emission inspection. A vehicle passes if the emission levels are equal to or less than the standards for HC, CO and NO for ASM 5015 and ASM2525.

GROSS POLLUTER STANDARDS - Emission standards used to designate a vehicle as a gross polluter. A vehicle is designated as a gross polluter if the emissions levels at the time of the initial inspection, before repairs are greater than the gross polluter standards for HC, CO or NO for ASM 5015 or ASM2525.

NOTE:

If test data on emission pass/fail rates or gross polluter identification rates indicate adjustments may be increased or decreased by the bureau by 30% or by the following tolerances, or standards may be set for any specific vehicle and engine configuration which the bureau determines has excessive errors of commission or omission, whichever is necessary to comply with Section 44001.5 of the Health and Safety Code.

HC = 150 ppm, CO = 1.50%, NO = 350 ppm.

TABLE III
Emission Standards, Gross Polluter Standards, Dilution Thresholds
and Maximum Idle RPM Limits for the Two-Speed Idle Test

E S C	MODEL YEAR GROUP	VEHICLE TYPE (by GVWR)				PASS/FAIL STANDARDS					GROSS POLLUTER STANDARDS				
		Passen- ger ≤6,000	TRUCK (includes motorhome, minivan, sport utility)			IDLE HC	IDLE CO	2500 HC	2500 CO	IDLE HC	IDLE CO	2500 HC	2500 CO	MIN CO + CO ₂	MAX IDLE RPM
			≤6,000	6,001 to 8,500	8,501 to 14,000										
1	1966-1967	X				700	5.5	600	4.5	950	8.0	850	7.0	8.0	1100
2	1968-1970	X	X			650	5.5	600	4.5	900	8.0	850	7.0	8.0	1100
3	1971-1974	X	X			550	5.0	400	4.0	800	7.5	650	6.5	8.0	1100
4	1975-1980	X				220	2.0	180	1.7	470	4.5	430	4.2	8.0	1100
5	1981-1983	X				120	1.5	150	1.5	270	3.0	300	3.0	8.0	1100
6	1984-1986	X				120	1.0	150	1.2	270	2.5	300	2.7	7.0	1100
7	1987-1992	X				100	1.0	140	1.0	270	2.5	290	2.5	7.0	1100
8	1993+	X				100	1.0	130	1.0	250	2.5	290	2.5	8.0	1100
9	1975-1978		X			250	2.5	200	3.0	500	5.0	450	5.5	7.0	1100
10	1979-1983		X	X		250	2.0	200	2.0	400	3.5	350	3.5	8.0	1100
11	1984-1987		X	X		150	1.2	180	1.2	300	2.7	330	2.7	7.0	1100
12	1988-1992		X	X		120	1.0	180	1.0	270	2.5	330	2.5	8.0	1100
13	1993+		X			100	1.0	170	1.0	250	2.5	320	2.5	7.0	1100
14	1983+			X		100	1.0	180	1.1	250	2.5	330	2.6	7.0	1200
15	1966-1969			X	X	700	5.5	750	5.0	950	8.0	1000	7.5	7.0	1200
16	1970-1973			X		550	5.0	600	4.5	800	7.5	850	7.0	8.0	1200
17	1974-1978			X		300	3.0	350	3.5	550	5.5	600	6.0	7.0	1200
18	1979-1983			X	X	250	2.2	250	3.0	400	3.7	400	4.5	7.0	1200
19	1984-1986			X	X	250	1.5	200	1.6	400	3.0	350	3.1	7.0	1200
20	1987-1990			X	X	220	1.5	200	1.6	370	3.0	350	3.1	7.0	1100
21	1991+			X		150	1.2	150	1.5	300	2.7	300	3.0	7.0	1100
22	1987-1990				X	250	2.5	200	1.6	400	4.0	350	3.1	7.0	1100
23	1991+				X	150	1.5	150	1.5	300	3.0	300	3.0	7.0	1100
24	1970-1978			X		550	5.0	600	4.5	800	7.5	850	7.0	8.0	1200

Legend:
ESC = Emissions Standards Category
GVWR = Manufacturer's Gross Vehicle Weight Rating

PASS/FAIL STANDARDS = Emission standards used to determine if a vehicle passes the emissions portion of the inspection -- a vehicle passes if the emission levels are equal to or less than the hydrocarbon or carbon monoxide standard for the idle or 2500 RPM inspection.

GROSS POLLUTER STANDARDS = Emissions standards used to designate a vehicle as a gross polluter. A vehicle is designated as a gross polluter if the emissions levels at the time of the initial inspection, before repairs, are greater than the gross polluter standards for hydrocarbon or carbon monoxide for the idle or 2500 RPM inspection.

HC = Hydrocarbon
CO = Carbon Monoxide
MIN. CO + CO₂ = Minimum CO + CO₂ dilution threshold
MAX. IDLE RPM = Maximum idle RPM limits

NOTE: If test data on emission pass/fail rates or gross polluter identification rates indicate adjustments are required, the emission standards may be increased or decreased by the bureau by 30% or by the following tolerances, or standards may be set for any specific vehicle and engine configuration which the bureau determines has excessive errors of commission or omission, whichever is necessary to comply with section 44001.5 of the Health and Safety Code.

CO = 1.5%
HC = 150 ppm
NOx = 350 ppm
CO + CO₂ = 5%
Maximum idle 500 RPM

Figure 1. Visible Smoke Test Failure Consumer Information Sheet



VISIBLE SMOKE TEST FAILURE CONSUMER INFORMATION SHEET



Date: _____ Vehicle License No. or VIN: _____

Your vehicle FAILED its Smog Check for “Visible Smoke” because:

“Smoke” was seen coming from your vehicle’s:
<input type="checkbox"/> Tailpipe following the emissions phase of the Smog Check inspection.
<input type="checkbox"/> Crankcase or PCV system during the underhood visual inspection.

Common Causes of Vehicle Smoke

Color of Smoke	Diagnosis	Probable Cause
Blue or Bluish-White	Engine or transmission oil being burned	<ul style="list-style-type: none"> Oil leaking into combustion chamber Worn piston rings, valve guides, or cylinders Defective intake manifold Defective head gasket Transmission vacuum modulator defective
Black or Gray	Incomplete fuel combustion	<ul style="list-style-type: none"> Clogged air filter Carburetor, choke, fuel injection, or emission system malfunction Ignition timing incorrect Low compression from engine wear or burned valve

Smoke seen coming from a vehicle’s tailpipe contributes to California’s air quality problems. The smoke consists of small particles that are breathed in and can cause lung problems, heart disease, and other health consequences. In addition, smoke from an engine also damages other emission control systems on a vehicle, like the catalytic converter and Oxygen (O₂) sensor, making them less effective. Less effective emissions systems translates to dirtier air for all of California.

A new California law, Section 44012.1 of the Health and Safety Code, requires that vehicles subject to a Smog Check inspection undergo a visual test for smoke from the engine crankcase and tailpipe. California Vehicle Code section 27153 has for many years prohibited the operation of smoking vehicles on California’s roadways. Doing so could subject the operator/owner to the issuance of a citation by the California Highway Patrol or a local law enforcement agency. The new smoke test may help protect vehicle operators/owners from receiving a citation for the illegal on-road operation of a smoking vehicle. Any vehicle that fails a “Visible Smoke Test” must be repaired in order to PASS a Smog Check.

Please take this Consumer Information Sheet with you to the repair shop you select to perform repairs.* You may be eligible for repair assistance or California’s Voluntary Vehicle Retirement Program. Contact the Bureau of Automotive Repair’s Consumer Assistance Program to see if you qualify.

If you wish to dispute your vehicle’s smoke test results, you may schedule a Bureau of Automotive Repair Referee verification test by calling (800) 622-7733 for an appointment.

For more information or for any other questions, call the Bureau of Automotive Repair at (800) 952-5210, or visit the Bureau’s Web site at www.smogcheck.ca.gov.

SMOKE INFO (01/07)

§ 3340.42.1. Mandatory Exhaust Emissions Inspection Standards and Test Procedures for Heavy-Duty Vehicles Powered by Gasoline. [Repealed]

NOTE: Authority cited: Sections 44002, 44011 and 44013, Health and Safety Code. Reference: Sections 39032.5, 44010.5, 44011, 44012, 44013 and 44036, Health and Safety Code.

HISTORY

1. New section filed 8–21–89; operative 1–1–90 (Register 89, No. 34).
2. Amendment of Table III filed 5–11–90; operative 6–10–90 (Register 90, No. 26).
3. Amendment of section and NOTE and repealer of Table III filed 6–22–95 as an emergency; operative 6–22–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–20–95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 6–22–95 order including amendment of section transmitted to OAL 10–20–95 and filed 12–1–95 (Register 95, No. 48).
5. Repealer filed 1–21–2003; operative 2–20–2003 (Register 2003, No. 4).

§ 3340.42.2. Pass/Fail Criteria for On-Board Diagnostic System Readiness Monitors.

(a) Smog Check stations and Smog Check technicians shall conduct tests and inspections in accordance with the Bureau's BAR-97 Emissions Inspection System Specifications referenced in subsections (a) and (b) of Section 3340.17. All applicable 1996 and newer model-year spark ignition passenger vehicles and trucks under 14,001 Gross Vehicle Weight Rating (GVWR) shall be given a test of the On-Board Diagnostic (OBDII) systems. The OBDII test consists of a visual check of the Malfunction Indicator Light (MIL) and a functional test of the readiness indicators and fault code retrieval system.

(b) On and after January 1, 2010, model-year 1996 through 2000 vehicles having more than two (2) incomplete emissions related readiness monitors, and vehicle model-years 2001 and newer having more than one (1) incomplete emissions related readiness monitor shall fail the OBDII portion of the inspection. Until this subsection is implemented, all vehicle model-years 1996 and newer having more than two (2) incomplete emissions related readiness monitors shall fail the OBDII portion of the inspection.

(c) For the purposes of this section:

(1) On-Board Diagnostics (OBDII) means a system of vehicle component and condition monitors controlled by an on-board computer designed to alert the motorist when emission control components or vehicle emission systems are not functioning properly.

(2) A readiness monitor indicates whether or not a specific emission control device or vehicle emission system has run a self-diagnostic test to determine whether or not the device or system is functioning properly.

NOTE: Authority cited: Sections 44001.5, 44002, 44003, 44013 and 44036, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 39032.5, 44002, 44003, 44005, 44010, 44011, 44013, 44014, 44015, 44032, 44033, 44036, 44037.1 and 44062.1, Health and Safety Code; and Sections 9884.8 and 9884.9, Business and Professions Code.

HISTORY

1. New section filed 11–5–2009; operative 12–5–2009 (Register 2009, No. 45).

§ 3340.43. Smoke Test Failure; Repair Cost Limit.

Pursuant to subdivision (e) of section 44017 of the Health and Safety Code, the owner of a motor vehicle that has failed the visible smoke test required by subsection (f) of Section 3340.42 and section 44012.1 of the Health and Safety Code, shall only be eligible for the repair cost waiver specified in subdivision (a) of section 44017 if all of the following conditions are met:

(a) The motor vehicle owner has a household income greater than the limit specified in paragraph (2) of subsection (a) of Section 3394.4, but less than or equal to two hundred fifty percent (250%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services.

(b) The motor vehicle owner's household income has been verified in accordance with paragraph (2) of subsection (b) of Section 3394.6.

(c) The motor vehicle owner is not receiving any form of public assistance from any agency.

(d) The motor vehicle's required emissions control equipment is not missing and has not been rendered partially inoperative or inoperative as a result of tampering.

NOTE: Authority cited: Sections 44002 and 44017, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44017 and 44062.1, Health and Safety Code.

HISTORY

1. New section filed 1–11–2008; operative 1–11–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 2).

§ 3340.45. Smog Check Inspection Procedures Manual.

All vehicle emission tests, visual inspections of the emissions control systems, functional inspections of the emissions control systems, liquid fuel leak inspections, and visible smoke tests shall be conducted at licensed smog check stations by licensed smog check technicians. The inspections shall be performed in accordance with the Emissions Inspection System test prompts and the inspection requirements and procedures prescribed in the Bureau's Smog Check Inspection Procedures Manual, dated August 2009, which is hereby incorporated by reference.

NOTE: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44002, 44003, 44005, 44010, 44011, 44011.3, 44012, 44012.1, 44013, 44014, 44014.5, 44014.7, 44015 and 44032, Health and Safety Code.

HISTORY

1. New section filed 12–16–2009; operative 12–16–2009 pursuant to Government Code section 11343.4 (Register 2009, No. 51). For prior history of section 3340.45, see Register 90, No. 19.

§ 3340.50. Fleet Facility Requirements.

The owner of a fleet of vehicles shall meet the following requirements for licensure as a fleet facility smog check station, if they choose to be so licensed, and shall comply with these requirements at all times while licensed.

(a) Number of Fleet Vehicles. The fleet facility shall own and operate a fleet of 10 or more vehicles which are subject to the program and are exclusively for the use of fleet employees, for sale, or for rental or lease to members of the public in the regular course of business.

(b) Equipment. The fleet facility shall have the equipment required by a smog check station, as set forth in sections 3340.16.5 and 3340.17 of this chapter. Equipment shall be maintained and calibrated in accordance with section 3340.17 of this chapter.

(c) Licensed Technician. A licensed technician, other than an Intern Technician, shall be present at the facility when necessary to test, inspect, repair, or supervise the repair of a vehicle.

(d) Intern Technician. The fleet facility shall not have in its employ more than two Intern Technicians at any given time. The repairs or adjustments made by Intern Technicians at a fleet facility to emissions control systems on vehicles subject to the smog check program shall be performed under the direction of a supervising technician that is on the premises of the fleet facility at the time of the repair or adjustment.

(e) Work Area. The work area shall meet all the requirements specified in section 3340.15(a) of this article.

(f) Vehicles Serviced. A licensed fleet facility shall test, repair, and certify only vehicles owned by it. The repair cost limit shall not apply to the repair of fleet vehicles.

(g) Onsite Inspection. The responsible managing employee of the fleet facility shall provide the bureau with whatever access, information, and other cooperation is necessary to facilitate onsite inspection of the fleet's vehicles or inspection system. At the bureau's request, the licensed technician shall be present during regular business hours (8 a.m. to 5 p.m.) at a time agreed upon by the licensed technician and a bureau representative.

(h) Display of Licenses. The station license and technician licenses shall be posted prominently in an area accessible to the bureau or its representative.

(i) Manuals and Bulletins. Bureau manuals and bulletins pertaining to fleet facilities shall be maintained in a location readily accessible to licensed technicians.

NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44020 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (e) filed 8–24–88; operative 9–23–88 (Register 88, No. 37).
2. Amendment filed 4–16–90; operative 4–16–90 (Register 90, No. 19).
3. Editorial correction of printing error in subsection (e) (Register 91, No. 6).
4. Amendment filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).
6. Amendment of subsections (b) and (c) filed 7–26–96 as an emergency; operative 7–26–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–25–96 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 7–26–96 order, including amendment of first paragraph, transmitted to OAL 11–19–96 and filed 1–6–97 (Register 97, No. 2).
8. Amendment of subsection (b) filed 2–15–2002 as an emergency; operative 2–15–2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–17–2002 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 2–15–2002 order transmitted to OAL 6–13–2002 and filed 7–26–2002 (Register 2002, No. 30).

§ 3340.50.1. Application for Fleet Facility License; Renewal; Replacement.

(a) Initial License. To become licensed as a fleet facility, a fleet owner shall submit an application on a form prescribed by the bureau. The fleet facility license shall expire one year from the last day of the month in which the license was issued. A fleet facility license is not transferable.

(b) Renewal. A fleet facility licensee shall submit a timely and proper renewal application to the bureau. A licensee whose license has expired shall immediately cease to inspect or test vehicles or issue certificates.

(c) Duplicate Licenses. Application for a duplicate license shall be made to the bureau in accordance with Section 3340.10(e) of this article.

(d) Replacement License. Replacement of licenses shall be handled in accordance with Section 3340.10(e) of this article, except that no fee is required.

NOTE: Authority cited: Section 44020 of the Health and Safety Code. Reference 44020, Health and Safety Code.

§ 3340.50.3. Fleet Records and Reporting Requirements.

(a) All data relating to licensed test and repair activities shall be recorded on forms supplied by the bureau.

(b) The licensed fleet facility shall maintain certificate books prescribed by the bureau. All required information shall be recorded on the certificate by the licensed technician on the day the final test on a vehicle was performed. Each certificate shall be signed and dated by the licensed technician on the day of the final test on a vehicle. For permanently registered fleets, an alternate procedure for certifying vehicles may be allowed by the bureau.

(c) The records required to be maintained by subsections (a) and (b) shall be retained for a period of not less than three years after the completion of any test or repair to which the records refer.

NOTE: Authority cited: Section 44002 and 44020(a) and (b) of the Health and Safety Code. Reference: Sections 44020 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).

§ 3340.50.4. Fleet Certificates.

(a) A licensed fleet facility shall order and purchase a certificate of compliance, or noncompliance from the bureau or an authorized agent of the bureau only, for a fee determined pursuant to section 3340.35.1 of these regulations. A certificate of compliance or noncompliance is not transferable.

(b) A certificate of compliance shall be issued only for a vehicle that complies with the emission control system requirements and meets the exhaust emission standards established by the bureau.

NOTE: Authority cited: Sections 44002, 44020 and 44060, Health and Safety Code. Reference: Sections 44010, 44020(c) and 44060, Health and Safety Code.

HISTORY

1. Amendment of subsection (a) filed 8–24–88; operative 9–23–88 (Register 88, No. 37).
2. Amendment of subsection (a) filed 1–25–89; operative 3–1–89 (Register 89, No. 7).
3. Amendment of subsection (a) filed 12–18–91; operative 2–1–92 (Register 92, No. 10).
4. Amendment of subsection (a) filed 5–8–95 as an emergency; operative 5–8–95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–5–95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 5–8–95 order transmitted to OAL 8–31–95 and filed 9–25–95 (Register 95, No. 39).
6. Amendment of subsection (a) filed 2–11–97 as an emergency; operative 2–11–97 (Register 97, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–11–97 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 2–11–97 order transmitted to OAL 5–30–97 and filed 7–8–97 (Register 97, No. 28).
8. Amendment of subsection (a) filed 2–26–98 as an emergency; operative 2–26–98 (Register 98, No. 9). A Certificate of Compliance must be transmitted to OAL by 6–26–98 or emergency language will be repealed by operation of law on the following day.
9. Amendment of subsection (a) refiled 6–24–98 as an emergency; operative 6–25–98 (Register 98, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–23–98 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 6–24–98 order, including repealer and new subsection (a) and repealer of subsection (c), transmitted to OAL 10–16–98 and filed 12–2–98 (Register 98, No. 49).

§ 3340.50.5. Suspension or Rescission of Fleet Facility License.

(a) A fleet facility licensee shall immediately cease to test, repair, or certify vehicles whenever the facility fails to meet any of the requirements of Section 3340.50. The fleet licensee shall not resume fleet emission testing, repairing, or certification until authorized by the bureau or if suspended, until the suspension expires. The fleet facility may not resume fleet emission testing, repairing or certification until authorized by the bureau.

(b) A fleet facility license may be suspended or rescinded in accordance with Section 44020 of Chapter 5, Part 5, Division 26 of the California Health and Safety Code for any of the following acts if done by the licensee or by any licensed technician, partner, officer, or member of the licensed fleet facility.

(1) Inspecting or testing vehicles while in violation of subsection (a) of this section.

(2) Violation of any provision of this article.

(3) Violation of any provision of Chapter 5, Part 5, Division 26, of the California Health and Safety Code.

NOTE: Authority cited: Section 44020, Health and Safety Code. Reference: Sections 44020 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) and NOTE filed 6–23–95 as an emergency; operative 6–23–95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–21–95 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 6–23–95 order transmitted to OAL 10–20–95 and filed 12–6–95 (Register 95, No. 49).

Article 6. Registration and Requirements for Automotive Repair Dealers

§ 3350. Scope. [Repealed]

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code.

HISTORY

1. New Article 6 (§§ 3350 through 3355) filed 12–29–72; effective thirtieth day thereafter (Register 72, No. 53).
2. Redesignation of Article 6 (Sections 3350–3357) to Article 6 (Sections 3351–3351.4) and repealer of Section 3350 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3351. Registration of Automotive Repair Dealers.

An application for registration as an automotive repair dealer shall be filed on an application form prescribed and provided by the Bureau. The application shall be accompanied by the registration fee and such evidence, statements or documents as therein required. No separate registration shall be required for the mobile emergency road service or towing equipment of a registered automotive repair dealer. NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9884, 9884.1 and 9884.2, Business and Professions Code.

HISTORY

1. Editorial correction (Register 75, No. 4).
2. Amendment filed 7–25–75; effective thirtieth day thereafter (Register 75, No. 30).
3. New NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3351.1. Fees.

Registration fees are established as follows:

(a) Initial Registration. The initial automotive repair dealer registration fee shall be \$200.

(b) Renewal Registration. The renewal fee shall be \$200, provided that registration is renewed on or before the date of expiration. If not renewed on or before the date of expiration, the renewal fee shall be \$250 which includes a \$50 delinquency fee.

(c) Change of Ownership. A new registration shall be required of the new owner in the event of a change of ownership, as defined in Section 3306(c)(1) of these regulations, and an application for registration accompanied by the initial registration fee in the amount of \$200 shall be submitted to the bureau for such registration.

(d) Change of Firm Name or Address. Any change in the firm name (not involving any change in ownership) and any change in the firm's address shall be promptly communicated to the bureau in writing with a request for a replacement registration certificate. A replacement certificate will be issued to the dealer for the balance of the unexpired term of the registration without charge.

(e) Lost, Mutilated or Destroyed Registration Certificate. A dealer shall give prompt written notice to the bureau in the event a registration certificate issued to the dealer becomes lost, mutilated, or destroyed. The dealer shall make a written request to the bureau, accompanied by a certification fee of \$2, for the issuance of a certified duplicate registration certificate for the unexpired term of the registration. Any mutilated registration certificate, and any lost registration certificate subsequently found, shall be surrendered to the bureau.

NOTE: Authority cited: Sections 9882, 9884.19 and 9886.3, Business and Professions Code. Reference: Sections 163 and 9886.3, Business and Professions Code.

HISTORY

1. Renumbering and amendment of former section 3390 to section 3351.1 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
2. Amendment of subsections (a)–(c) filed 3–11–92; operative 7–1–92 (Register 92, No. 12).

§ 3351.2. Renewal of Automotive Repair Dealer Registration.

A new registration, issued on initial application, shall expire one year from the last day of the month in which the registration was issued.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 152.5, 152.6 and 9884.3, Business and Professions Code.

HISTORY

1. Renumbering of former Section 3391 to Section 3351.2 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
2. Change without regulatory effect repealing subsection (a) and subsection (b) designator filed 10–2–2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 40).

§ 3351.3. Display.

(a) Except as provided in subsection (b), all automotive repair dealers shall display the following in a place and manner conspicuous to their customers:

(1) A current and valid certificate of registration as an automotive repair dealer issued by the bureau; and

(2) An official automotive repair dealer's sign, which meets the specifications of the Act and Section 3351.4 of this article. In the event there are multiple facilities, an official automotive repair dealer's sign shall be displayed in a place and manner conspicuous to all customers at each location.

(b) When conducting business from other than the principal business address shown in an automotive repair dealer's registration, the dealer shall provide to every customer, with the customer's copy of the work order as provided in paragraph (3) of subdivision (a) of Section 9884.7 of the Business and Professions Code, a copy of an official automotive repair dealer's sign that meets the following specifications:

(1) A copy of the sign shall be reproduced on a white sheet of paper, or similar material, no less than eight and one half inches by eleven inches (8 1/2" x 11") in size.

(2) The sign shall be proportionately reduced in size to fill the page in portrait format with no more than one inch (1") margins outside the right, left and bottom inset border lines.

(3) The current business name, address of record, business telephone number and registration number of the automotive repair dealer, as shown by the bureau's records, shall be printed above the top inset border line of the sign in print no smaller than the smallest print of the reduced sign.

(4) No other information, printing, decoration, border or design shall be placed on the page.

(c) For the purpose of subsection (b), the term "provide" shall mean to give for retention.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9880.3, 9884.6 and 9884.17, Business and Professions Code.

HISTORY

1. Renumbering and amendment of former Section 3385 to Section 3351.3 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
2. Amendment of section and NOTE filed 3–9–2006; operative 4–8–2006 (Register 2006, No. 10).

§ 3351.4. Specifications for Automotive Repair Dealer's Sign.

(a) Official automotive repair dealer signs shall meet the following specifications:

(1) Until June 30, 2006, signs shall be worded exactly as shown in either Figure 1 or Figure 3. On and after June 30, 2006, signs shall be worded exactly as shown in Figure 3, except that an automotive repair dealer possessing a valid a registration on June 30, 2006, may comply with Section 3351.3 and this section by displaying a supplementary sign, containing the bureau's Web site address. The supplementary sign shall be worded exactly as shown in Figure 5, and shall be displayed immediately below any sign that was displayed by the automotive repair dealer in compliance with Section 3351.3 and this section on and before June 30, 2006.

(2) Signs as shown in Figure 1 shall have the dimensions shown in Figure 2, signs as shown in Figure 3 shall have the dimensions shown in Figure 4, and signs as shown in Figure 5 shall have the dimensions shown in that figure.

(3) 24–gauge steel or aluminum or synthetic material of equivalent

rigidity may be used. Synthetic material may be acceptable provided it meets all of the requirements herein, including durability.

(4) The background shall be semi-gloss white. All print, border stripe and divider stripes, including the State Seal shall be gloss black in color.

(5) Paint shall be a premium grade exterior acrylic enamel or equivalent. The silk screen/bake-on process or an acceptable equivalent may be used.

(6) All bare metal shall be etched and coated with white primer or equivalent to insure proper paint adhesion and corrosion protection.

(7) Largest lettering shall be 72 pt. Futura Demi “condensed”; medium lettering shall be 48 pt. Futura Bold; and smallest lettering shall be 36 pt. Futura Bold for the signs shown in Figures 1 and 3. The lettering of the supplementary sign shown in Figure 5 shall be 48 pt. Futura Bold for the message and 72 pt. Futura Demi “condensed” for the Web site address.

(8) A three and one-half inch diameter State Seal is required for the signs shown in Figures 1 and 3.

(9) The use of embossed letters or a clear protective finish coat is permitted, but not required.

(10) There shall be a one-quarter inch mounting hole in each corner.

(b) The bureau may require replacement of any sign that fails to meet the outlined specifications or that is no longer legible.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9880.3 and 9884.17, Business and Professions Code.

HISTORY

1. Renumbering and amendment of former Section 3386 to Section 3351.4 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
2. Amendment of section and NOTE and new Figures 3–5 filed 3–9–2006; operative 4–8–2006 (Register 2006, No. 10).
3. Editorial correction of Figure 3 (Register 2006, No. 19).



**THIS ESTABLISHMENT IS REGISTERED WITH THE
STATE DEPARTMENT OF CONSUMER AFFAIRS**

**IN ACCORDANCE WITH THE AUTOMOTIVE REPAIR
ACT OF 1971, A CUSTOMER IS ENTITLED TO . . .**

- 1) A WRITTEN ESTIMATE FOR REPAIR WORK.
- 2) A DETAILED INVOICE OF WORK DONE AND PARTS SUPPLIED
- 3) RETURN OF REPLACED PARTS, IF REQUESTED AT THE TIME A WORK ORDER IS PLACED.
- 4) QUESTIONS CONCERNING THE ABOVE SHOULD BE DIRECTED TO THE MANAGER OF THIS REPAIR FACILITY.
- 5) UNRESOLVED QUESTIONS REGARDING SERVICE WORK MAY BE SUBMITTED TO:

**BUREAU OF AUTOMOTIVE REPAIR
TOLL-FREE TELEPHONE: 800-952-5210
MONDAY THRU FRIDAY**

Figure 1

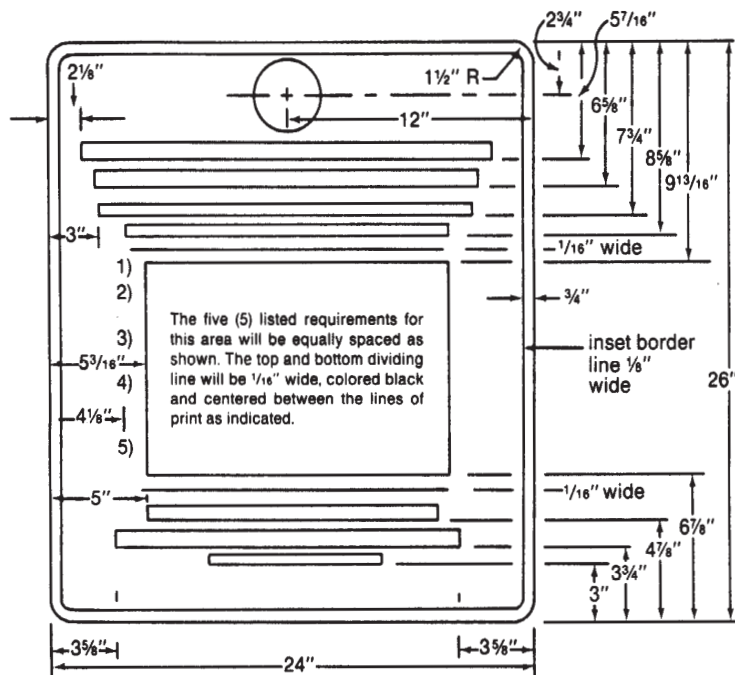


Figure 2



THIS ESTABLISHMENT IS REGISTERED WITH THE
STATE DEPARTMENT OF CONSUMER AFFAIRS
IN ACCORDANCE WITH THE AUTOMOTIVE REPAIR
ACT OF 1971, A CUSTOMER IS ENTITLED TO:

-
- 1) A WRITTEN ESTIMATE FOR REPAIR WORK.
 - 2) A DETAILED INVOICE OF WORK DONE AND PARTS
SUPPLIED.
 - 3) RETURN OF REPLACED PARTS, IF REQUESTED AT THE TIME A
WORK ORDER IS PLACED.
-

QUESTIONS CONCERNING THE ABOVE SHOULD BE
DIRECTED TO THE MANAGER OF THIS REPAIR FACILITY.

UNRESOLVED QUESTIONS REGARDING SERVICE WORK
MAY BE SUBMITTED TO THE BUREAU OF AUTOMOTIVE REPAIR.

FOR FURTHER INFORMATION CONTACT THE
BUREAU OF AUTOMOTIVE REPAIR AT
(TOLL-FREE) 1-800-952-5210,
MONDAY THROUGH FRIDAY
OR VISIT THE BUREAU'S WEB SITE AT WWW.AUTOREPAIR.CA.GOV

Figure 3

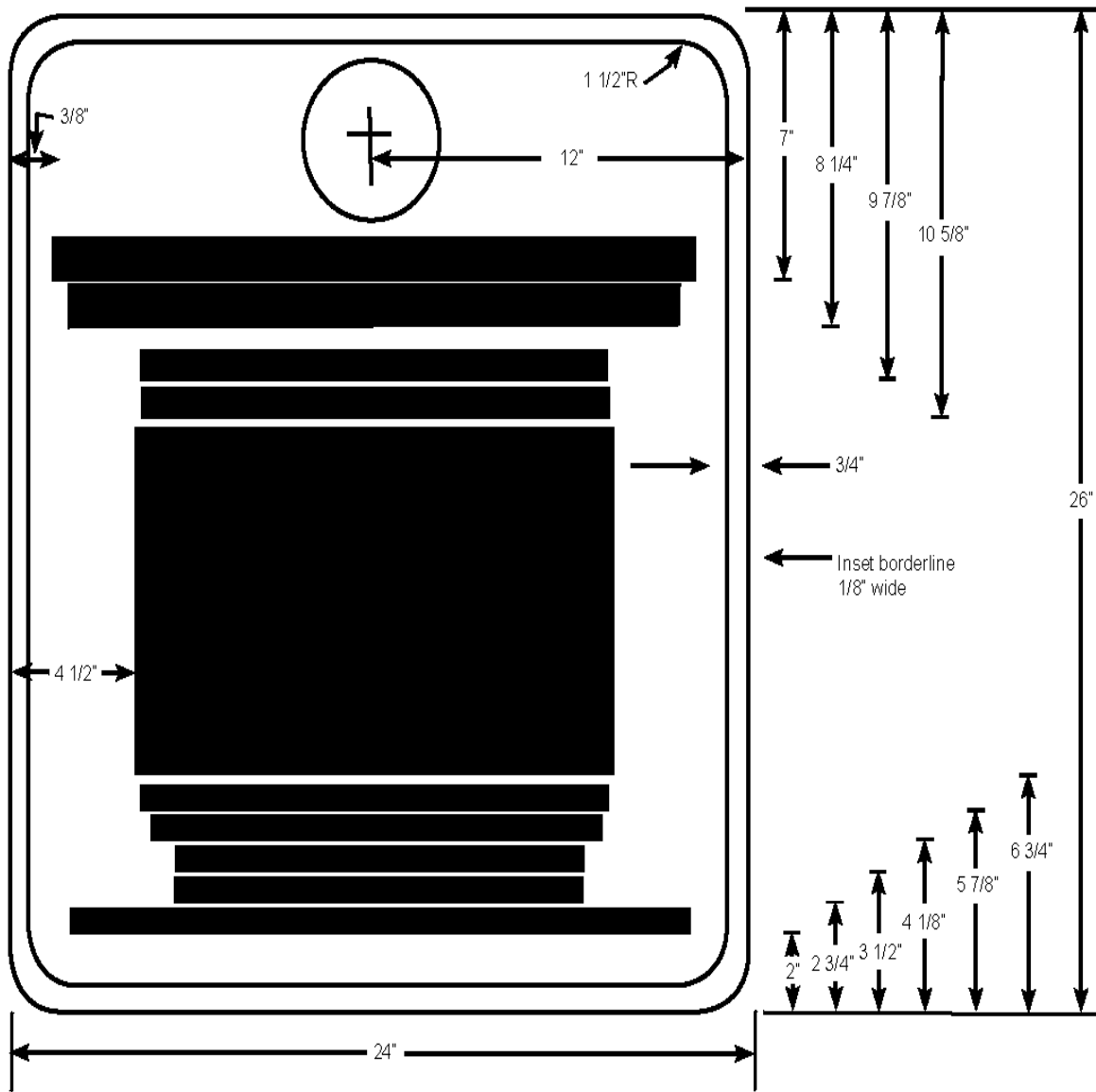


Figure 4

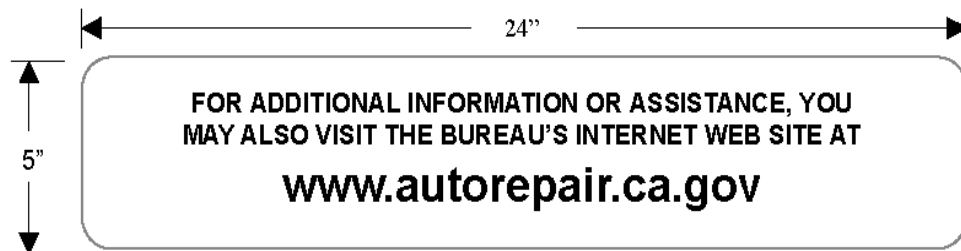


Figure 5

§ 3351.5. Equipment Requirements for Auto Body Repair Shops.

(a) An auto body repair shop that performs automotive painting shall have all equipment and current reference manuals necessary to paint and repair non-structural damage, including but not limited to:

- (1) corrosion protection application equipment, and
- (2) equipment capable of applying exterior corrosion resistant primers, anticorrosion compounds and topcoats.

(b) An auto body repair shop that is performing structural repairs shall have all repair, measuring, and testing equipment and current reference manuals necessary to diagnose, section, replace or repair structural damage, including but not limited to:

(1) A three dimensional measuring system that can locate points with the dimensions of length, width, and height, relative to three defined reference planes.

(2) A four-point anchoring system capable of holding a vehicle in a stationary position during structural and body pulls which is suitable for the types of vehicles being repaired.

(3) Equipment capable of making multiple body and structural pulls.

(4) A Metal Inert Gas (MIG) welder with an output of at least 110 amps for unibody repairs and an output of 200 amps for conventional frame repairs or capable of meeting trade standards for the work being performed.

(5) Corrosion protection equipment for treating enclosed areas on unibodies and frame assemblies including pressurized spray equipment, flexible and rigid wands capable of reaching full length inside enclosed areas, spray heads capable of 360 degree spray application and spray heads capable of a fan-shaped pattern.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9889.50 and 9889.52, Business and Professions Code.

HISTORY

1. New section filed 10-20-97; operative 11-19-97 (Register 97, No. 43).

§ 3351.6. Equipment Requirements for Automotive Air Conditioning Repair Dealers.

All Automotive Repair Dealers engaged in the service or repair of automotive air conditioning systems in vehicles covered by the Act shall be subject to the following minimum requirements. An automotive repair dealer that is performing service or repair to a motor vehicle's air conditioning system, which involves evacuation or full or partial recharge of the air conditioning system, shall have all repair, measuring, testing and refrigerant recovery equipment and current reference manuals necessary to service or repair the system, including but not limited to:

(a) Refrigerant identification equipment that meets or exceeds current Society of Automotive Engineers (S.A.E.) standard J1771 (Rev. Nov. 1998) which is hereby incorporated by reference.

(b) Refrigerant leak detection equipment that meets or exceeds current Society of Automotive Engineers (S.A.E.) standard J1627 (Rev. Aug 1995) which is hereby incorporated by reference.

(c) Refrigerant recovery equipment that meets or exceeds current Society of Automotive Engineers (S.A.E.) standards J1732 (Rev. Nov. 1998), J1770 (Issued Oct. 1995), J1990 (Rev. Feb. 1999), J2209 (Rev. Feb. 1999) and J2210 (Rev. Feb. 1999) which are hereby incorporated by reference.

(d) Low and high pressure gauges for the purpose of measuring pressure in a mobile air conditioning system. As a minimum, the low pressure gauge shall be capable of measuring from zero to thirty inches of vacuum Hg, and zero to 250 pounds of pressure per square inch (psi). As a minimum, the high pressure gauge shall be capable of measuring from zero to 500 pounds of pressure per square inch (psi).

(e) A functioning vacuum pump that is designed for the evacuation of mobile air conditioning systems.

(f) A thermometer capable of testing air conditioning system efficiency. As a minimum, the thermometer shall be capable of measuring air temperatures from 20 to 100 degrees Fahrenheit.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7(a)(7), 9884.8 and 9884.9, Business and Professions Code.

HISTORY

1. New section filed 12-20-2000; operative 1-19-2001 (Register 2000, No. 51).
2. Editorial correction of subsection (c) (Register 2001, No. 17).
3. Amendment of subsections (c) and (e) filed 6-12-2003; operative 7-12-2003 (Register 2003, No. 24).

Article 7. Disclosure Requirements for Automotive Repair Dealers

§ 3352. Definitions.

In this article, unless the context otherwise requires:

(a) "Written estimate" means a document that contains a written estimated price for labor and parts for a specific job.

(b) "Work order" means a document that contains the estimate and memorializes the customer's authorization for a specific job.

(c) "Invoice" means a document given to the customer that meets the invoice requirements of Business and Professions Code Section 9884.8 and California Code of Regulations Section 3356.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9884.8, 9884.9, 9889.50 and 9889.52, Business and Professions Code.

HISTORY

1. New section filed 10-20-97; operative 11-19-97 (Register 97, No. 43). For prior history, see Register 83, No. 9.

§ 3353. Written Estimate Required for Repair or Maintenance; Exceeding Estimate; Authorization Required.

No work for compensation shall be commenced and no charges shall accrue without specific authorization from the customer in accordance with the following requirements:

(a) Estimate for Parts and Labor. Every dealer shall give to each customer a written estimated price for parts and labor for a specific job.

(b) Estimate for Auto Body or Collision Repairs. Every dealer, when doing auto body or collision repairs, shall give to each customer a written estimated price for parts and labor for a specific job. Parts and labor shall be described separately and each part shall be identified, indicating whether the replacement part is new, used, rebuilt, or reconditioned. The estimate shall also describe replacement crash parts as original equipment manufacturer (OEM) crash parts or non-OEM aftermarket crash parts.

(c) Additional Authorization. Except as provided in subsection (f), the dealer shall obtain the customer's authorization before any additional work not estimated is done or parts not estimated are supplied. This authorization shall be in written, oral, or electronic form, and shall describe the additional repairs, parts, labor and the total additional cost.

(1) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained orally, the dealer shall also make a notation on the work order and on the invoice of the date, time, name of the person authorizing the additional repairs, and the telephone number called, if any, together with the specification of the additional repairs, parts, labor and the total additional cost.

(2) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained by facsimile transmission (fax), the dealer shall also attach to the work order and the invoice, a faxed document that is signed and dated by the customer and shows the date and time of transmission and describes the additional repairs, parts, labor and the total additional cost.

(3) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained by electronic mail (e-mail), the dealer shall print and attach to the work order and invoice, the e-mail authorization which shows the date and time of transmission and describes the additional repairs, parts, labor and the total additional cost.

(4) The additional repairs, parts, labor, total additional cost, and a statement that the additional repairs were authorized either orally, or by fax, or by e-mail shall be recorded on the final invoice pursuant to Section 9884.9 of the Business and Professions Code. All documentation must be retained pursuant to Section 9884.11 of the Business and Professions Code.

(d) Estimated Price to Tear Down, Inspect, Report and Reassemble. For purposes of this article, to "tear down" shall mean to disassemble, and "teardown" shall mean the act of disassembly. If it is necessary to tear down a vehicle component in order to prepare a written estimated price for required repair, the dealer shall first give the customer a written estimated price for the teardown. This price shall include the cost of reassembly of the component. The estimated price shall also include the cost of parts and necessary labor to replace items such as gaskets, seals and O rings that are normally destroyed by teardown of the component. If the act of teardown might prevent the restoration of the component to its former condition, the dealer shall write that information on the work order containing the teardown estimate before the work order is signed by the customer.

The repair dealer shall notify the customer orally and conspicuously in writing on the teardown estimate the maximum time it will take the repair dealer to reassemble the vehicle or the vehicle component in the event the customer elects not to proceed with the repair or maintenance of the vehicle and shall reassemble the vehicle within that time period if the customer elects not to proceed with the repair or maintenance. The maximum time shall be counted from the date of authorization of teardown.

After the teardown has been performed, the dealer shall prepare a written estimated price for labor and parts necessary for the required repair. All parts required for such repair shall be listed on the estimate. The dealer shall then obtain the customer's authorization for either repair or reassembly before any further work is done.

(e) Revising an Itemized Work Order. If the customer has authorized repairs according to a work order on which parts and labor are itemized, the dealer shall not change the method of repair or parts supplied without the written, oral, or electronic authorization of the customer. The authorization shall be obtained from the customer as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.

(f) Designation of Person to Authorize Additional Work or Parts. When a customer, pursuant to subdivision (d) of Section 9884.9 of the Business and Professions Code, designates another person to authorize work not estimated or parts not included in the written estimated price given to the customer, all of the following shall apply:

(1) The designation may be a separate form by itself or may be incorporated into the dealer's work order form described in subsection (b) of Section 3352.

(2) If a separate form is used for the designation, the form and content of the designation shall be as follows:

**"DESIGNATION OF PERSON TO AUTHORIZE ADDITIONAL
WORK OR PARTS"**

I hereby designate the individual named below to authorize any additional work not specified or parts not included in the original written estimated price for parts and labor:

Name of Designee: _____ Phone Number: _____

Fax Number: _____ E-Mail Address: _____

Name of Customer: _____ Work Order No.: _____

Date: _____ (Customer's Signature)"

(3) If the designation is incorporated into a work order form, it need only separately include the designation statement specified in paragraph (2) of this subsection, and the name, phone number, facsimile number and e-mail address of the designee, and the customer's signature, and the date of signing.

(4) The dealer shall not accept from the customer the designation of any person or entity not eligible to be a designee under subdivision (d) of Section 9884.9 of the Business and Professions Code. The ineligible designees include the automotive repair dealer providing repair services and an insurer involved in a claim that includes the motor vehicle being repaired, and employees and agents and persons acting on behalf of the dealer or insurer.

(5) The designation form shall be completed in duplicate and shall be distributed as follows:

(A) The copy of the completed and signed designation form shall be given to the customer with the customer's copy of the work order as required by paragraph (3) of subdivision (a) of Section 9884.7 of the Business and Professions Code.

(B) The original of the completed and signed designation form shall be attached to the dealer's copy of the work order, if not incorporated therein, and shall be retained pursuant to Section 9884.11 of the Business and Professions Code and Section 3358.

(6) When authorization for additional work or parts not estimated is obtained from a designee, it shall be obtained and recorded in compliance with subsection (c) of this section before any additional work not estimated is done or parts not estimated are supplied.

(g) Unusual Circumstances; Authorization Required. When the customer is unable to deliver the motor vehicle to the dealer during business hours or if the motor vehicle is towed to the dealer without the customer during business hours, and the customer has requested the dealer to take possession of the motor vehicle for the purpose of repairing or estimating the cost of repairing the motor vehicle, the dealer shall not undertake the diagnosing or repairing of any malfunction of the motor vehicle for compensation unless the dealer has complied with all of the following conditions:

(1) The dealer has prepared a work order stating the written estimated price for labor and parts, as specified in subsection (a) or (b), necessary to repair the motor vehicle; and

(2) By telephone, fax or e-mail, the customer has been given all of the information on the work order and the customer has approved the work order; and

(3) The customer has given oral, written or electronic authorization to the dealer to make the repairs and the dealer has documented the authorization as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.

Any charge for parts or labor in excess of the original written estimated price must be separately authorized by the customer and documented by the dealer, as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.

(h) Definitions. As used in this section, "written" shall mean the communication of information in writing, other than by electronic means; "oral" shall mean the oral communication of information either in person or telephonically; "electronic" shall mean the communication of information by facsimile transmission (fax) or electronic mail (e-mail).

NOTE: Authority cited: Sections 9882 and 9884.9, Business and Professions Code. Reference: Sections 9884.8, 9884.9, 9889.50 and 9889.52, Business and Professions Code.

HISTORY

1. Amendment filed 6-26-74; designated effective 8-1-74 (Register 74, No. 26).
2. Amendment of subsection (b) and new subsection (c) filed 6-9-78; effective thirtieth day thereafter (Register 78, No. 23).
3. Repealer and new section filed 10-27-82; effective thirtieth day thereafter (Register 82, No. 44).
4. Redesignation of former Article 7 (Section 3365) to new Article 7 (Sections 3353-3358) filed 2-22-83; effective thirtieth day thereafter (Register 83, No. 9).

5. Amendment of subsections (d) and (d)(1) filed 5–9–96; operative 6–8–96 (Register 96, No. 19).
6. Amendment of subsection (a) and NOTE filed 10–20–97; operative 11–19–97 (Register 97, No. 43).
7. Amendment of section and NOTE filed 5–2–2002; operative 6–1–2002 (Register 2002, No. 18).
8. Amendment of subsection (c), new subsections (f)–(f)(6), subsection relettering and amendment of newly designated subsection (g) filed 4–17–2006; operative 5–17–2006 (Register 2006, No. 16).

§ 3354. Unusual Circumstances; Authorization Required.

HISTORY

1. Amendment filed 7–25–75; effective thirtieth day thereafter (Register 75, No. 30).
2. Repealer filed 10–27–82; effective thirtieth day thereafter (Register 82, No. 44).

§ 3355. Replaced Parts That Are Not Returnable.

Those parts and components that are replaced and that are sold on an exchange basis are exempt from the provisions of Section 9884.10 of the Act requiring the return of replaced parts to the customer, provided the customer is informed that said parts are not returnable orally and by written record on the work order and invoice. When a request is made before the work is started, the dealer shall provide a reasonable opportunity to the customer to inspect the part.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Section 9884.10, Business and Professions Code.

HISTORY

1. Amendment filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3356. Invoice Requirements.

(a) All invoices for service and repair work performed, and parts supplied, as provided for in Section 9884.8 of the Business and Professions Code, shall comply with the following:

(1) The invoice shall show the automotive repair dealer's registration number and the corresponding business name and address as shown in the Bureau's records. If the automotive repair dealer's telephone number is shown, it shall comply with the requirements of subsection (b) of Section 3371 of this chapter.

(2) The invoice shall separately list, describe and identify all of the following:

(A) All service and repair work performed, including all diagnostic and warranty work, and the price for each described service and repair.

(B) Each part supplied, in such a manner that the customer can understand what was purchased, and the price for each described part. The description of each part shall state whether the part was new, used, reconditioned, rebuilt, or an OEM crash part, or a non-OEM aftermarket crash part.

(C) The subtotal price for all service and repair work performed.

(D) The subtotal price for all parts supplied, not including sales tax.

(E) The applicable sales tax, if any.

(b) If a customer is to be charged for a part, that part shall be specifically listed as an item in the invoice, as provided in subparagraph (B) of paragraph (2) of subsection (a) above. If that item is not listed in the invoice, it shall not be regarded as a part, and a separate charge may not be made for it.

(c) Separate billing in an invoice for items generically noted as shop supplies, miscellaneous parts, or the like, is prohibited.

(d) The automotive repair dealer shall give the customer a legible copy of the invoice and shall retain a legible copy as part of the automotive repair dealer's records pursuant to Section 9884.11 of the Business and Professions Code and Section 3358 of this article.

NOTE: Authority cited: Sections 137 and 9882, Business and Professions Code. Reference: Sections 9884.8, 9889.50 and 9889.52, Business and Professions Code; and Sections 12000 and 12001, Vehicle Code.

HISTORY

1. New section filed 6–26–74; designated effective 8–1–74 (Register 74, No. 26).
2. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
3. Amendment filed 6–9–78; effective thirtieth day thereafter (Register 78, No. 23).
4. Amendment of NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
5. Amendment of section filed 8–20–91; operative 9–19–91 (Register 92, No. 1).
6. Amendment of subsection (a) and NOTE filed 10–20–97; operative 11–19–97 (Register 97, No. 43).
7. Repealer and new section filed 2–2–2007; operative 3–4–2007 (Register 2007, No. 5).

§ 3356.1. Toxic Waste Disposal Costs.

An automotive repair dealer may charge a customer for costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California or federal law which directly relate to the servicing or repair of the customer's vehicle. Such charge must be disclosed to the customer by being separately itemized on the estimate prepared pursuant to Section 9884.9(a) of the Business and Professions Code and on the invoice prepared pursuant to Section 9884.8 of the Business and Professions Code. In order to assess this charge, the automotive repair dealer must note on the estimate and invoice the station's Environmental Protection Agency identification number required by Section 262.12 of Title 40 of the Code of Federal Regulations.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9882, 9884.8, and 9884.9(a), Business and Professions Code.

HISTORY

1. New section filed 8–20–91; operative 9–19–91 (Register 92, No. 1).

§ 3357. Denial, Suspension, and Revocation Substantial Relation Criteria.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 475 et seq. of Division 1.5, Business and Professions Code.

HISTORY

1. New section filed 5–8–75; effective thirtieth day thereafter (Register 75, No. 19).
2. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
3. Renumbering and amendment of Section 3357 to Section 3395.2 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3358. Maintenance of Records.

Each automotive repair dealer shall maintain legible copies of the following records for not less than three years:

(a) All invoices relating to automotive repair including invoices received from other sources for parts and/or labor.

(b) All written estimates pertaining to work performed.

(c) All work orders and/or contracts for repairs, parts and labor. All such records shall be open for reasonable inspection and/or reproduction by the bureau or other law enforcement officials during normal business hours.

NOTE: Authority cited: Sections 9882 and 9884.11, Business and Professions Code. Reference: Section 9884.11, Business and Professions Code.

HISTORY

1. Renumbering of former Section 3365 to Section 3358 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3359. Sublet Disclosure.

Upon the request of a customer, an automotive repair dealer shall disclose the location at which any repair work will be done other than repair work to be done at the dealer's location and by the dealer or his/her employees

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9882 and 9884.7, Business and Professions Code.

HISTORY

1. New section filed 4–16–90; operative 4–16–90 (Register 90, No. 19).

Article 8. Accepted Trade Standards**§ 3360. Scope of Regulations.**

This article shall apply to accepted trade standards for good and workmanlike automotive repair as performed by automotive repair dealers.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code.

HISTORY

1. New Article 6.5 (Sections 3360–3360.3) filed 3–6–75; effective thirtieth day thereafter (Register 75, No. 10).
2. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
3. Renumbering of former Article 6.5 (Sections 3360–3361.1) to new Article 8 (Sections 3360–3361.1), and amendment of Section 3360 NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3360.1. Ball Joints.

This section and Sections 3360.2 and 3360.3 apply to the inspection, sale, and installation of ball joints, which for the purpose of this article are defined as ball-and-socket assemblies designed to carry the vertical and horizontal stresses in the front suspension system of a motor vehicle while permitting steering and suspension movement.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code.

HISTORY

1. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
2. Amendment of section title filed 6–9–78; effective thirtieth day thereafter (Register 78, No. 23).
3. New NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3360.2. General Requirements.

All automotive repair dealers engaged in the sale and installation of ball joints shall be subject to the following requirements:

(a) Measurement of Wear or Looseness. Except as set forth in (e) and (f) of this section, any determination that a ball joint is worn or loose shall be made with an instrument specifically designed and manufactured for measurement of ball joint wear or looseness.

(b) Care and Use of Instrument. The instrument required by (a) of this section shall be used, calibrated, and maintained in accordance with the instructions issued by its manufacturer. The manufacturer shall be the original equipment manufacturer or a manufacturer who is generally known within the automotive repair industry as a supplier of such instruments.

(c) Accuracy of Measurement. The measurement of wear or looseness of a ball joint shall be stated in thousandths of an inch (.001) or in millimeters, whichever is appropriate to the vehicle and to the specifications of the original equipment manufacturer or of the replacement parts manufacturer.

(d) Invoice Requirements. If a ball joint is sold and installed, the degree of wear or looseness of the ball joint being replaced must be recorded on the customer's invoice in accordance with (c) of this section. The maximum allowable wear or looseness permitted by the original equipment manufacturer or by the replacement parts manufacturer must be stated.

(e) Measurement of Wear–Indicating Ball Joints. If a ball joint is equipped with an integral means of measuring wear or looseness, such measurement shall be made and reported in accordance with the manufacturer's directions.

(f) Adjustment of Mechanically Adjustable Ball Joints. A ball joint that has been manufactured with a means of manual adjustment to compensate for wear shall be adjusted in accordance with the instructions of the manufacturer.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code.

HISTORY

1. New NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3360.3. Recommendations Permitted.

The foregoing requirements are not to be construed as prohibiting the sale and installation of ball joints when the sale and installation are made with the consent of the customer, provided that a full disclosure of the requirements of this article is made to the customer.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code.

HISTORY

1. New NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3361.1. Automatic Transmissions.

The following minimum requirements specifying accepted trade standards for good and workmanlike rebuilding of automatic transmissions are intended to define terms that have caused confusion to the public and unfair competition within the automotive repair industry. The term “automatic transmission” shall also apply to the automatic transmission portion of transaxles for the purposes of this regulation, unless both the automatic transmission portion and the differential portion of the transaxle share a common oil supply, in which case the term “automatic transmission” shall apply to both portions of the transaxle. These minimum requirements shall not be used to promote the sale of “rebuilt” automatic transmissions when a less extensive and/or less costly repair is desired by the customer. Any automotive repair dealer who represents to customers that the following sections require the rebuilding of automatic transmissions is subject to the sanctions prescribed by the Automotive Repair Act. All automotive repair dealers engaged in the repair, sale, or installation of automatic transmissions in vehicles covered under the Act shall be subject to the following minimum requirements:

(a) Before an automatic transmission is removed from a motor vehicle for purposes of repair or rebuilding, it shall be inspected. Such inspection shall determine whether or not the replacement or adjustment of any external part or parts will correct the specific malfunction of the automatic transmission. In the case of an electronically controlled automatic transmission, this inspection shall include a diagnostic check, including the retrieval of any diagnostic trouble codes, of the electronic control module that controls the operation of the transmission. If minor service and/or replacement or adjustment of any external part or parts and/or of companion units can reasonably be expected to correct the specific malfunction of the automatic transmission, then prior to removal of the automatic transmission from the vehicle, the customer shall be informed of that fact as required by Section 3353 of these regulations. Before removing an automatic transmission from a motor vehicle, the dealer shall also comply with the provisions of section 3353(d), and disclose any applicable guarantee or warranty as provided in sections 3375, 3376 and 3377 of these regulations. If a diagnostic check of an electronic control module cannot be completed due to the condition of the transmission, the customer shall be informed of that fact and a notation shall be made on the estimate, in accordance with Section 3353 of these regulations.

(b) When the word “exchanged” is used to describe an automatic transmission, it shall mean that the automatic transmission is not the customer's unit that was removed from the customer's vehicle. Whenever the word “exchanged” is used to describe an automatic transmission, it shall be accompanied by a word or descriptive term

such as “new,” “used,” rebuilt,” “remanufactured,” “reconditioned,” or “overhauled,” or by an expression of like meaning.

(c) Any automotive repair dealer that advertises or performs, directly or through a sublet contractor, automatic transmission work and uses the words “exchanged,” “rebuilt,” “remanufactured,” “reconditioned,” or “overhauled,” or any expression of like meaning, to describe an automatic transmission in any form of advertising or on a written estimate or invoice shall only do so when all of the following work has been done since the transmission was last used:

(1) All internal and external parts, including case and housing, have been thoroughly cleaned and inspected.

(2) The valve body has been disassembled and thoroughly cleaned and inspected unless otherwise specified by the manufacturer.

(3) All bands have been replaced with new or relined bands.

(4) All the following parts have been replaced with new parts:

(A) Lined friction plates

(B) Internal and external seals including seals that are bonded to metal parts

(C) All sealing rings

(D) Gaskets

(E) Organic media disposable type filters (if the transmission is so equipped)

(5) All impaired, defective, or substantially worn parts not mentioned above have been restored to a sound condition or replaced with new, rebuilt, or unimpaired parts. All measuring and adjusting of such parts has been performed as necessary.

(6) The transmission’s electronic components, if so equipped, have been inspected and found to be functioning properly or have been replaced with new, rebuilt, or unimpaired components that function properly.

(7) The torque converter has been inspected and serviced in accordance with subsection (d) of this regulation.

(d) The torque converter is considered to be part of the automatic transmission and shall be examined, cleaned, and made serviceable before the rebuilt, remanufactured or overhauled transmission is installed. If the torque converter cannot be restored to a serviceable condition, then the customer shall be so informed. With the customer’s authorization, the converter shall be replaced with a new, rebuilt, remanufactured, reconditioned, overhauled, or unimpaired used torque converter. A torque converter shall not be represented as rebuilt, remanufactured, reconditioned, or overhauled unless the torque converter shell has been opened, all components of the overrunning clutch assembly have been inspected and replaced as required, all friction materials have been replaced as required, all rotating parts have been examined and replaced as required, the shell has been resealed, and the unit has been pressure tested.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7(a), 9884.8, 9884.9(a) and 9884.19, Business and Professions Code.

HISTORY

1. New section filed 6–9–78; effective thirtieth day thereafter (Register 78, No. 23).
2. Amendment of subsection (c) and new subsections (d) and (e) filed 10–27–82; effective thirtieth day thereafter (Register 82, No. 44).
3. Editorial correction of subsection (a) filed 2–22–83 (Register 83, No. 9).
4. Amendment of section and NOTE filed 2–13–2002; operative 3–15–2002 (Register 2002, No. 7).
5. Amendment of subsection (a) filed 5–2–2002; operative 6–1–2002 (Register 2002, No. 18).

§ 3362.1. Engine Changes.

An automotive repair dealer shall not make any motor vehicle engine change that degrades the effectiveness of a vehicle’s emission control system. Nor shall said dealer, in the process of rebuilding the original engine or while installing a replacement engine, effect changes that would degrade the effectiveness of the original emission control system and/or components thereof.

NOTE: Authority cited: Sections 9882, 9884.7 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code; and Sections 4000.1, 4000.2, 4000.3 and 27156, Vehicle Code.

HISTORY

1. New section filed 8–24–88; operative 9–23–88 (Register 88, No. 37).
2. Amendment of section filed 8–20–91; operative 9–19–91 (Register 92, No. 1).

§ 3363.1. Ignition Interlock Devices.

Ignition interlock device standards apply to the installation of vehicular electrical devices that measure a motorist’s breath sample for alcohol content, and, on the basis of that measurement, allow or not allow the vehicle’s starter to be energized.

NOTE: Authority cited: Sections 9882 and 9882.14, Business and Professions Code. Reference: Section 23244, Vehicle Code; and Section 9882.14, Business and Professions Code.

HISTORY

1. New section filed 1–26–89; operative 2–25–89 (Register 89, No. 7).

§ 3363.2. Ignition Interlock Device Manufacturer’s Responsibilities.

The manufacturer of an ignition interlock device shall develop detailed written instructions regarding the installation of the device. Such instructions shall be in accordance with the guidelines adopted by the Office of Traffic Safety (OTS) pursuant to Section 23244(b) of the Vehicle Code.

NOTE: Authority cited: Sections 9882 and 9882.14, Business and Professions Code. Reference: Section 23244, Vehicle Code; and Section 9882.14, Business and Professions Code.

HISTORY

1. New section filed 1–26–89; operative 2–25–89 (Register 89, No. 7).

§ 3363.3. Authorized Installers of Ignition Interlock Devices.

Only an automotive repair dealer, as defined by Sections 9880.1 and 9884.6 of the Business and Professions Code, may install an ignition interlock device.

NOTE: Authority cited: Sections 9882 and 9882.14, Business and Professions Code. Reference: Section 23244, Vehicle Code; and Sections 9880.1, 9882, 9882.14 and 9884.6, Business and Professions Code.

HISTORY

1. New section filed 1–26–89; operative 2–25–89 (Register 89, No. 7).

§ 3363.4. Installation Standards Applicable to Ignition Interlock Devices.

An automotive repair dealer who installs ignition interlock devices in vehicles shall comply with the following conditions:

(a) Not allow customers or other unauthorized persons to observe installation of the devices.

(b) Have all tools, test equipment and manuals needed to install devices and needed to screen vehicles for acceptable mechanical and electrical condition prior to installation. These include, but are not necessarily limited to, the following:

(1) Tools to make electrical connections in a competent manner (properly soldered, or mechanically crimped with high quality connectors) and in accordance with accepted trade standards.

(2) Heat gun if heat shrink tubing or heat set labels are used.

(3) Volt/ohmmeter.

(4) Test light.

(5) Battery testing equipment and servicing tools (load tester, terminal cleaning tools, and battery filler).

(6) Electrical wiring diagrams and/or reference guide for electrical systems on import and domestic vehicles, 20 years old or less, necessary for the installation and operation of the device.

(7) Tools and equipment listed by the device manufacturer to properly install devices in accordance with guidelines adopted by the Office of Traffic Safety (OTS) pursuant to Section 23244(b) of the Vehicle Code.

(c) Provide adequate security measures to prevent unauthorized persons from accessing secured materials (tamper seals or installation instructions).

(d) Appropriately install devices on vehicles taking into account each vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions, and correcting conditions (such as low battery or alternator voltage, or engine stalling frequent enough to require additional breath tests) which interfere with the proper functioning of the device.

(e) Not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the vehicle.

(f) Verify that a device is functioning properly after it has been installed in the vehicle.

(g) Restore a vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent.

NOTE: Authority cited: Sections 9882 and 9882.14, Business and Professions Code. Reference: Section 23244, Vehicle Code; and Section 9882.14, Business and Professions Code.

HISTORY

1. New section filed 1-26-89; operative 2-25-89 (Register 89, No. 7).

§ 3364. Vehicle Identification Information.

(a) An automotive repair dealer shall not remove, paint over, or otherwise deface any label or sticker which has been affixed to the doorpost, dash, underhood, windshield, or other location on a vehicle, and which contains identifying information regarding the vehicle or its emission control system components. An automotive repair dealer shall replace any such label or sticker which would otherwise be destroyed as part of the repair process, unless the replacement label or sticker is not reasonably available.

(b) The above requirements shall apply to any label or sticker mandated by the bureau or other governmental agency as well as those included with the vehicle as part of its original manufacture and those added onto a vehicle as part of a manufacturer's authorized recall program.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7 and 9884.19, Business and Professions Code.

HISTORY

1. New section filed 10-23-91; operative 11-22-91 (Register 92, No. 35).

§ 3365. Auto Body and Frame Repairs.

The accepted trade standards for good and workmanlike auto body and frame repairs shall include, but not be limited to, the following:

(a) Repair procedures including but not limited to the sectioning of component parts, shall be performed in accordance with OEM service specifications or nationally distributed and periodically updated service specifications that are generally accepted by the autobody repair industry.

(b) All corrosion protection shall be applied in accordance with manufacturers' specifications or nationally distributed and periodically updated service specifications that are generally accepted by the autobody repair industry.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7, 9889.50 and 9889.52, Business and Professions Code.

HISTORY

1. New section filed 10-20-97; operative 11-19-97 (Register 97, No. 43). For prior history, see Register 83, No. 9.

§ 3366. Automotive Air Conditioning.

(a) Except as provided in subsection (b) of this section, any automotive repair dealer that advertises or performs, directly or through a sublet contractor, automotive air conditioning work and uses the words service, inspection, diagnosis, top off, performance check or any expression or term of like meaning in any form of advertising or on a written estimate or invoice shall include and perform all of the following procedures as part of that air conditioning work:

(1) Exposed hoses, tubing and connections are examined for damage or leaks;

(2) The compressor and clutch, when accessible, are examined for damage, missing bolts, missing hardware, broken housing and leaks;

(3) The compressor is rotated to determine if it is seized or locked up;

(4) Service ports are examined for missing caps, damaged threads and conformance with labeling;

(5) The condenser coil is examined for damage, restrictions or leaks;

(6) The expansion device, if accessible, is examined for physical damage or leaks;

(7) The accumulator receiver dryer and in-line filter have been checked for damage, missing or loose hardware or leaks;

(8) The drive belt system has been checked for damaged or missing pulleys or tensioners and for proper belt routing, tension, alignment, excessive wear or cracking;

(9) The fan clutch has been examined for leakage, bearing wear and proper operation;

(10) The cooling fan has been checked for bent or missing blades;

(11) Accessible electrical connections have been examined for loose, burnt, broken or corroded parts;

(12) The refrigerant in use has been identified and checked for contamination;

(13) The system has been checked for leakage at a minimum of 50-PSI system pressure;

(14) The compressor clutch, blower motor and air control doors have been checked for proper operation;

(15) High and low side system operating pressures, as applicable, have been measured and recorded on the final invoice; and,

(16) The center air distribution outlet temperature has been measured and recorded on the final invoice.

(b) Whenever the automotive air conditioning work being advertised or performed does not involve opening the refrigerant portion of the air conditioning system, refrigerant evacuation, or full or partial refrigerant recharge, the procedures specified in subsection (a) need be performed only to the extent required by accepted trade standards.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7(a)(7), 9884.8 and 9884.9, Business and Professions Code.

HISTORY

1. New section filed 12-20-2000; operative 1-19-2001 (Register 2000, No. 51).

2. Amendment filed 6-12-2003; operative 7-12-2003 (Register 2003, No. 24).

§ 3367. Inflatable Restraint Systems; Airbags.

(a) An Automobile Repair Dealer shall not install or reinstall, or distribute or sell, any air bag which is known, or which by the exercise of reasonable care should be known, to have been previously deployed, and which is part of an inflatable restraint system.

(b) Any violation of this section shall be cause for administrative disciplinary action. The authority of the bureau to impose discipline pursuant to this section shall be in addition to, and not a limitation on, its authority to take disciplinary action or other legal action, pursuant to any other provision of law.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 490 and 9884.7, Business and Professions Code; and Section 27317, Vehicle Code.

HISTORY

1. New section filed 8-1-2002; operative 8-31-2002 (Register 2002, No. 31).

§ 3368. Commissions, Consideration, Inducements, or Referral Fees; Towing Services.

(a) An Automotive Repair Dealer shall not directly or indirectly pay or agree to pay any money or anything of value as a commission, referral fee, inducement, or in any manner a consideration, to a towing service for the delivery or the arranging of a delivery of a vehicle not owned by the repair shop or towing service, for the purpose of storage or repair.

(b) An Automotive Repair Dealer shall not directly or indirectly

accept or agree to accept any money or anything of value as a commission, referral fee, inducement or in any manner a consideration, from a towing service for arranging or requesting the services of a tow truck.

(c) Any violation of this section shall be cause for administrative disciplinary action. The authority of the bureau to impose discipline pursuant to this section shall be in addition to, and not a limitation on, its authority to take disciplinary action or other legal action, pursuant to any other provision of law.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 490 and 9884.7, Business and Professions Code; and Section 12110, Vehicle Code.

HISTORY

1. New section filed 8-1-2002; operative 8-31-2002 (Register 2002, No. 31).

Article 9. False or Misleading Statements and Advertising

§ 3370. Application of Article.

For the purposes of Sections 9882 and 9884.19 of the Act, false or misleading advertising includes but is not limited to advertising, within the meaning of Section 17500 of the Business and Professions Code, which violates any provision of this article.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7, 9884.19 and 17500, Business and Professions Code.

HISTORY

1. New Article 8 (§§ 3370 through 3377) filed 12-29-72; effective thirtieth day thereafter (Register 72, No. 53).
2. Renumbering of former Article 8 (Sections 3370-3377) to new Article 9 (Sections 3370-3391), and amendment of Section 3370 NOTE filed 2-22-83; effective thirtieth day thereafter (Register 83, No. 9). For history of former Article 9, see Section 3385 and Register 76, No. 52).

§ 3371. Untrue or Misleading Statements or Advertising.

No dealer shall publish, utter, or make or cause to be published, uttered, or made any false or misleading statement or advertisement which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading. Advertisements and advertising signs shall clearly show the following:

(a) Firm Name and Address. The dealer's firm name and address as they appear on the State registration certificate as an automotive repair dealer; and

(b) Telephone Number. If a telephone number appears in an advertisement or on an advertising sign, this number shall be the same number as that listed for the dealer's firm name and address in the telephone directory, or in the telephone company records if such number is assigned to the dealer subsequent to the publication of such telephone directory.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.19 and 17500, Business and Professions Code.

HISTORY

1. Amendment filed 6-26-74; designated effective 8-1-74 (Register 74, No. 26).
2. New NOTE filed 2-22-83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3371.1. Presumption As Automotive Repair Dealer.

A person shall be deemed to be an automotive repair dealer as defined by subdivision (a) of section 9880.1 of the Business and Professions Code when such person:

(a) Solicits or advertises the repair of motor vehicles by telephone directory, newspaper, periodical, airwave transmission, printed handbill, printed business card, printed poster, or painted or electric sign, and repairs motor vehicles, or

(b) maintains an establishment for the repair of motor vehicles where within or outside the establishment is a sign, poster, or other

representation which might reasonably lead a member of the public to believe that such establishment performs the repair of motor vehicles, or

(c) holds a retail sellers permit when such permit has been acquired for the purpose of, or has been used for, obtaining parts for the repair of motor vehicles, or

(d) holds himself or herself out to the public as an automotive repair dealer and receives a motor vehicle from the public and transmits or renders control of the motor vehicle to another for repair.

A person will be deemed to be holding himself or herself out to the public as an automotive repair dealer within the meaning of subdivision (d) above when such person solicits such business in a manner which might reasonably lead the public to believe that such person is an automotive repair dealer, or when the person receiving the service is billed on such person's own invoice.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Section 9884.19, Business and Professions Code.

HISTORY

1. New section filed 4-16-90; operative 4-16-90 (Register 90, No. 19).

§ 3372. False or Misleading Defined.

In determining whether any advertisement, statement, or representation is false or misleading, it shall be considered in its entirety as it would be read or heard by persons to whom it is designed to appeal. An advertisement, statement, or representation shall be considered to be false or misleading if it tends to deceive the public or impose upon credulous or ignorant persons.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7, 9884.19 and 17500, Business and Professions Code.

HISTORY

1. New NOTE filed 2-22-83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3372.1. Price Advertising.

An automotive repair dealer shall not advertise automotive service at a price which is misleading. Price advertising is misleading in circumstances which include but are not limited to the following:

(a) The automotive repair dealer does not intend to sell the advertised service at the advertised price but intends to entice the consumer into a more costly transaction; or

(b) The advertisement for service has the capacity to mislead the public as to the extent that anticipated parts, labor or other services are included in the advertised price; or

(c) The advertisement for service or repair has the capacity to mislead the public as to the need for additional related parts, labor or other services; or

(d) The automotive repair dealer knows or should know that the advertised service cannot usually be performed in a good and workmanlike manner without additional parts, services or labor; provided, however, that an advertisement which clearly and conspicuously discloses that additional labor, parts or services are often needed will, to that extent, not be regarded as misleading. Any such disclosure statement shall indicate that many instances of performance of the service involve extra cost and, if the automotive dealer reasonably expects that the extra cost will be more than 25% of the advertised costs, that the extra cost may be substantial. The type size of the disclosure statement shall be at least 1/2 the type size used in the advertised price and the statement shall either be shown near the price or shall be prominently footnoted through use of an asterisk or similar reference.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7, 9884.19 and 17500, Business and Professions Code.

HISTORY

1. New section filed 3-28-86; effective thirtieth day thereafter (Register 86, No. 13).

§ 3373. False or Misleading Records.

No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7, 9884.19 and 17500, Business and Professions Code.

HISTORY

1. New NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
2. Amendment filed 8–18–92; operative 9–17–92 (Register 92, No. 37).

§ 3374. New, Rebuilt, Reconditioned, or Used Parts and Components.

No dealer shall advertise, represent, or in any manner imply that a used, rebuilt or reconditioned part or component is new unless such part and all of the parts of any component are in fact new.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7, 9884.8, 9884.19 and 17500, Business and Professions Code.

HISTORY

1. Amendment filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3374.1. Manufacture, Sale, or Installation of Defective Vehicle Parts.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 12000–12002, Vehicle Code.

HISTORY

1. New section filed 6–26–74; designated effective 8–1–74 (Register 74, No. 26).
2. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
3. Renumbering and amendment of Section 3374.1 to Section 3395.3 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3375. Guarantees and Warranties.

For the purpose of this Act and of these regulations the term “guarantee” and “warranty” have like meanings. No advertisement shall contain any false or misleading representation concerning the nature, extent, duration, terms or cost of a guarantee of a motor vehicle part or component or repair service subject to the provisions of the Act.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.19 and 17500, Business and Professions Code.

HISTORY

1. New NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3376. Disclosure of Guarantee.

All guarantees shall be in writing and a legible copy thereof shall be delivered to the customer with the invoice itemizing the parts, components, and labor represented to be covered by such guarantee. A guarantee shall be deemed false and misleading unless it conspicuously and clearly discloses in writing the following:

(a) The nature and extent of the guarantee including a description of all parts, characteristics or properties covered by or excluded from the guarantee, the duration of the guarantee and what must be done by a claimant before the guarantor will fulfill his obligation (such as returning the product and paying service or labor charges).

(b) The manner in which the guarantor will perform. The guarantor shall state all conditions and limitations and exactly what the guarantor will do under the guarantee, such as repair, replacement or refund. If the guarantor or recipient of the guarantee has an option as to what may satisfy the guarantee, this must be clearly stated.

(c) The guarantor’s identity and address shall be clearly revealed in any documents evidencing the guarantee.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.19 and 17500, Business and Professions Code.

HISTORY

1. New NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3377. Pro-Rata Guarantee.

Any guarantee or any advertisement of a guarantee which provides for adjustment on a pro-rata basis shall be deemed false and misleading unless the guarantee and/or the advertisement conspicuously and clearly discloses this fact and the basis on which the guarantee will be pro-rated, e.g., the time or mileage the part, component, or item repaired has been used and in what manner the guarantor will perform. If adjustments are based on a price other than that paid by the customer, clear disclosure must be made of the amount. However, a fictitious price must not be used even where the sum is adequately disclosed.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.19 and 17500, Business and Professions Code.

HISTORY

1. New NOTE filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3385. Display.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Section 9884.17, Business and Professions Code.

HISTORY

1. New Article 9 (Sections 3385 and 3386) filed 12–29–72; effective thirtieth day thereafter (Register 72, No. 53).
2. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
3. Redesignation of former Article 9 (Sections 3385–3386) to new Article 9 (Sections 3370–3391), and renumbering and amendment of Section 3385 to Section 3351.3 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3386. Specifications for Automotive Repair Dealer’s Sign.**HISTORY**

1. Editorial correction (Register 75, No. 4).
2. Renumbering and amendment of Section 3386 to Section 3351.4 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3390. Fees.

NOTE: Authority cited: Section 9882, Business and Professions Code. Reference: Section 9886.3, Business and Professions Code.

HISTORY

1. New Article 10 (Section 3390) filed 12–29–72; effective thirtieth day thereafter (Register 72, No. 53).
2. Amendment filed 6–26–74; designated effective 8–1–74 (Register 74, No. 26).
3. Amendment of subsections (a)–(c) filed 11–27–81; designated effective 1–1–82 (Register 81, No. 48).
4. Redesignation of former Article 10 (Sections 3390–3391) to new Article 10 (Sections 3395–3395.3), and renumbering and amendment of Section 3390 to Section 3351.1 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3391. Renewal of Automotive Repair Dealer Registration.

NOTE: Authority cited: Sections 152.5, 152.6, 9882, Business and Professions Code. Reference: Sections 152.5, 152.6, Business and Professions Code.

HISTORY

1. New section filed 4–28–76; effective thirtieth day thereafter (Register 76, No. 18).

2. Amendment filed 6–9–78; effective thirtieth day thereafter (Register 78, No. 23).
3. Renumbering and amendment of Section 3391 to Section 3351.2 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

Article 10. Gold Shield Program

§ 3392.1. Gold Shield Program (GSP).

The Gold Shield Program is a voluntary program that permits any licensed Smog Check test-and-repair station, which meets or exceeds the standards established pursuant to this article to obtain a certification that may be publicly displayed and otherwise advertised.

(a) The purposes of the Gold Shield program are to:

- (1) Reduce the complexity of the Smog Check Program by allowing Smog Check stations certified as Gold Shield stations to offer consumers a wider array of inspection and repair services.
- (2) Encourage consumer confidence in the required emissions inspections and repairs by the establishment of inspection and repair standards that stations must meet or exceed to receive and retain certification from the Bureau.
- (3) Improve the identification and repair of high-emitting vehicles to enhance the effectiveness of the Smog Check Program.
- (4) Contribute to the emissions reductions objectives required by the State Implementation Plan and federal standards.

NOTE: Authority cited: Sections 44001.5, 44002 and 44014.2, Health and Safety Code. Reference: Sections 44002 and 44014.2, Health and Safety Code.

HISTORY

1. Renumbering of former article 10 to new article 11 (sections 3395–3395.3), and new article 10 (sections 3392.1–3392.6) and section filed 4–23–97 as an emergency; operative 4–23–97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–21–97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4–23–97 order, including amendment of first paragraph and NOTE, transmitted to OAL 8–19–97 and filed 9–30–97 (Register 97, No. 40).
3. Amendment of section heading, repealer and new section and amendment of NOTE filed 4–28–2003; operative 5–28–2003 (Register 2003, No. 18).

§ 3392.2. Responsibilities of Smog Check Stations Certified as Gold Shield.

(a) Smog Check test-and-repair stations certified as Gold Shield stations shall provide the following services to the public:

(1) State subsidized emissions-related repairs, under the terms and conditions of a contract executed pursuant to Section 3394.2, as a component of the Bureau's Consumer Assistance Program established pursuant to Article 11 of this Division. This paragraph shall not apply to those stations located in change of ownership program areas.

(2) The certification of vehicles previously identified as gross polluters.

(3) For Gold Shield stations with a complete BAR-97 Emissions Inspection System capable of performing enhanced area loaded-mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, irrespective of their program area location, the initial testing and certification of vehicles directed to Test-Only stations pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code.

(4) For Gold Shield stations with a complete BAR-97 Emissions Inspection System capable of performing enhanced area loaded-mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, irrespective of their program area location, the after-repairs certification of failed vehicles that were directed to and initially tested at Test-Only stations pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code provided that the vehicles are repaired at the Gold Shield station.

(5) For Gold Shield stations located in basic or change of ownership program areas that do not perform enhanced area loaded-mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, the certification of

vehicles registered in enhanced areas if the vehicles were purchased by a licensed Department of Motor Vehicles Motor Vehicle Dealer, as defined in Section 285 of the Vehicle Code, with the intent of offering the vehicles for sale upon the dealer's premises that are located in basic or change of ownership areas. Gold Shield stations authorized pursuant to this paragraph shall not issue a certificate of compliance to a vehicle registered in an enhanced area that is required to have an enhanced area test if the vehicle is owned by an entity other than a Motor Vehicle Dealer licensed by the Department of Motor Vehicles.

(b) All emissions-related repairs at a Gold Shield station shall be performed in a good and workmanlike manner and in accordance with the procedures specified by the vehicle manufacturer or by repair standards generally accepted by the industry.

(c) A Gold Shield station shall display an exterior sign that meets the following specifications:

(1) The dimensions of the sign shall be 24 inches wide and 30 inches high.

(2) The sign shall be made of 0.040-inch aluminum, steel, or plastic.

(3) The Bureau shall supply a camera-ready design and content of the sign.

(d) A Gold Shield station may advertise those services authorized by subsection (a), other than by displaying the sign specified in subsection (c).

(e) A Gold Shield station shall allow bureau personnel reasonable access to the station for the on-site inspection of vehicles where repairs are still in progress or have been completed and the vehicles remain on the premises. The inspections shall be for the purpose of evaluating the appropriateness and effectiveness of the repairs performed by the station.

NOTE: Authority cited: Sections 44001.5, 44002, 44010.5, 44014.2 and 44095, Health and Safety Code. Reference: Sections 44010.5, 44014, 44014.2 and 44092, Health and Safety Code.

HISTORY

1. New section filed 4–23–97 as an emergency; operative 4–23–97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–21–97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4–23–97 order, including amendment of first paragraph and subsections (d) and (e), new subsections (f) and (g) and amendment of NOTE, transmitted to OAL 8–19–97 and filed 9–30–97 (Register 97, No. 40).
3. Amendment of section heading, repealer and new section and amendment of NOTE filed 4–28–2003; operative 5–28–2003 (Register 2003, No. 18).
4. New subsection (a)(3), subsection renumbering, amendment of newly designated subsections (a)(4)–(5) and amendment of NOTE filed 8–1–2007; operative 8–1–2007 pursuant to Government Code section 11343.4 (Register 2007, No. 31).

§ 3392.3. Eligibility for Gold Shield Certification; Quality Assurance.

(a) A licensed Smog Check Test-and-Repair station seeking Gold Shield certification shall complete and file a Gold Shield Station Application form (GSR-1 04/25/2003), which is hereby incorporated by reference, and shall, as of the date the application is received by the bureau, meet all of the following eligibility requirements:

(1) The station's Comparative Failure Rate (CFR) over the preceding calendar quarter must meet or exceed the industry-wide failure rate for Test-Only stations, by smog check program area, as calculated quarterly by the bureau.

(2) The station must have conducted a minimum of 10 successful emission repairs in the preceding calendar quarter. For the purposes of this section, a "successful emission repair" means:

(A) The vehicle must have failed the emissions portion of a Smog Check in official test mode or pre-test mode at any Smog Check station prior to the repair; and

(B) The Smog Check station must have repaired the vehicle and entered repair data into the Vehicle Information Database; and

(C) The vehicle must have been issued a Certificate of Compliance

at any Smog Check station within ten (10) days following the repairs made by the applicant Smog Check station.

(3) The station's repair performance, in the preceding calendar quarter, must rate within the top 75% of test-and-repair stations in the same smog check program area. A station's repair performance is computed by comparing the final emission readings of each successful emission repair to the average passing emission readings for the same model-year and emission standards category of the vehicle repaired.

(4) The station must not have been issued any citations pursuant to Section 44050(a) of the Health and Safety Code within the preceding one-year period nor employ any technicians who have been issued any citations pursuant to Section 44050(b) of the Health and Safety Code within the preceding one-year period.

(5) Neither the current nor any previous registration or license of the station owner, manager and licensed Smog Check technicians employed by the station, has been issued an order of suspension, a probationary order, or any other disciplinary order within the preceding three-year period. No station owner, officer, manager, licensed Smog Check technician or other employee of the station may currently be subject to suspension, probation or other disciplinary order.

(6) The station owner, manager and licensed Smog Check technicians or other employees of the station, must not have been convicted of a crime within the preceding three-year period that is substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician. The station owner, manager and licensed Smog Check technicians or other employees of the station, must not have been found liable in a civil proceeding, excluding small claims matters, within the preceding three-year period, for acts or omissions that are substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician. The station owner, manager and licensed Smog Check technicians or other employees of the station must not be serving a probationary period as a result of any such criminal or civil proceeding.

(7) The station must not have engaged in any conduct that would be cause for discipline of the station's Automotive Repair Dealer registration or Smog Check station license.

(8) The station must pass a Quality Assurance inspection administered by bureau personnel as part of the certification process. A Quality Assurance inspection consists of any or all of the following:

(A) A verification of compliance with all licensure and license posting requirements.

(B) A verification of compliance with all signage requirements.

(C) A verification of compliance with all estimate, repair order, invoice and record-keeping requirements.

(D) A verification of possession of all required manuals and publications.

(E) A verification of possession of all required tools and equipment and a verification of their proper working order.

(F) Evaluations of licensed smog check technicians' ability to perform complete smog check inspections, and diagnoses and repairs of failed vehicles.

(b) Smog Check stations located in change of ownership program areas shall only have to meet standards (a)(4)–(a)(7), inclusive, to obtain Gold Shield certification.

(c) The bureau may conduct periodic quality assurance inspections of the station. If a Gold Shield station's performance does not comply with the criteria established pursuant to this section, written notice of the deficiency shall be provided to the station by the bureau, and the station shall have sixty (60) days to correct the deficiency. The bureau may conduct a follow-up quality assurance inspection to ensure the deficiency has been corrected.

(d) The bureau, on a quarterly basis, shall evaluate a Gold Shield station's inspection and repair performance and compliance with the

criteria established pursuant to this section. A Gold Shield station that fails to meet the certification criteria specified in paragraphs (1), (2) or (3) of Subsection (a) of this section, will be notified in writing of the nature of the deficiency. The Gold Shield station may be given one additional quarter to meet those standards.

(e) A station may, upon ten (10) days written notice to the Bureau, withdraw from the Gold Shield Program.

NOTE: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code. Reference: Section 44014.2, Health and Safety Code.

HISTORY

1. New section filed 4–23–97 as an emergency; operative 4–23–97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–21–97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4–23–97 order, including amendment of subsections (a), (b)(1), (b)(3) and (b)(5)–(6), transmitted to OAL 8–19–97 and filed 9–30–97 (Register 97, No. 40).
3. Amendment of section heading, repealer and new section and amendment of NOTE filed 4–28–2003; operative 5–28–2003 (Register 2003, No. 18).

§ 3392.4. Gold Shield Guaranteed Repair (GSGR) Program Advertising Rights.

NOTE: Authority cited: Section 44001.5, Health and Safety Code. Reference: Section 44014.2, Health and Safety Code.

HISTORY

1. New section filed 4–23–97 as an emergency; operative 4–23–97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–21–97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4–23–97 order transmitted to OAL 8–19–97 and filed 9–30–97 (Register 97, No. 40).
3. Repealer filed 4–28–2003; operative 5–28–2003 (Register 2003, No. 18).

§ 3392.5. Causes for Invalidation of Gold Shield Station Certification.

(a) It shall be cause for the Bureau to invalidate the certification of a Gold Shield station, temporarily or permanently, if any of the following occur:

(1) The Gold Shield station, manager or Smog Check technicians employed by the station, engage in any conduct which violates any provision of this article or which would be cause for discipline of, or which would be cause for issuance of a citation to the station's Automotive Repair Dealer registration or Smog Check station license, or the license of a technician employed by the station.

(2) The Gold Shield station's Automotive Repair Dealer registration or Smog Check station license expires or otherwise becomes delinquent.

(3) The bureau disciplines the Gold Shield station's Automotive Repair Dealer registration or Smog Check station license in any form or manner.

(4) The Gold Shield station fails or is unable to provide the services specified in section 3392.2(a).

(5) The Gold Shield station, if located in other than an enhanced area, issues a certificate of compliance to a vehicle registered in an enhanced area that is required to have an enhanced area test if the vehicle is owned by an entity other than a motor vehicle dealer licensed by the Department of Motor Vehicles, unless the station performed an enhanced area test as prompted by the Emissions Inspection System.

(6) The Gold Shield station fails to comply with the certification criteria specified in paragraph (a)(1), (2) or (3) of Section 3392.3 for two consecutive calendar quarters.

(7) The Gold Shield station fails to correct a deficiency identified in a quality assurance inspection within the specified time period.

NOTE: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code. Reference: Sections 44014.2 and 44037.1, Health and Safety Code; and Sections 480 and 490, Business and Professions Code.

HISTORY

1. New section filed 4–23–97 as an emergency; operative 4–23–97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–21–97 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 4–23–97 order, including amendment of sub-sections (d), new subsections (e) and (f) and amendment of NOTE, transmitted to OAL 8–19–97 and filed 9–30–97 (Register 97, No. 40).
3. Amendment of section heading, repealer and new section and amendment of NOTE filed 4–28–2003; operative 5–28–2003 (Register 2003, No. 18).

§ 3392.6. Gold Shield Program Hearing and Determination.

If the bureau denies an application for Gold Shield certification or if the bureau invalidates, temporarily or permanently, an existing Gold Shield station's certification, the bureau shall file and serve a written notice of denial or invalidation. The written notice shall contain a summary of the facts and allegations which form the cause or causes for denial or invalidation.

(a) Service of the written notice may be effected in any manner authorized by Business and Professions Code Section 124.

(b) If a written request for a hearing is delivered 15 days from the date of service, a hearing shall be held as provided for in (c) below.

(c) The bureau shall schedule a hearing within 60 days of the date the bureau receives a timely request for a hearing. The bureau shall notify the applicant or certified Gold Shield station or representative of the time and place of the hearing. The hearing shall be limited in scope to the time period, and facts and allegation specified in the written notice prepared by the bureau.

(d) The applicant or Gold Shield station shall be notified of the determination by the chief, or the chief's designee, who shall issue a decision and notify the applicant or Gold Shield station within 15 days of the close of the hearing.

(e) The bureau may order that a certification be temporarily invalidated pending any hearing and pending any post-hearing decision of the chief.

NOTE: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code. Reference: Section 44014.2, Health and Safety Code; and Section 124, Business and Professions Code.

HISTORY

1. New section, including form GSR–1, filed 4–23–97 as an emergency; operative 4–23–97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–21–97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4–23–97 order, including amendment of form GSR–1 and removal of form from printed version of California Code of Regulations, transmitted to OAL 8–19–97 and filed 9–30–97 (Register 97, No. 40).
3. Amendment of section heading, section and NOTE filed 4–28–2003; operative 5–28–2003 (Register 2003, No. 18).

Article 11. Consumer Assistance Program

§ 3394.1. Purpose and Components of the Consumer Assistance Program.

The purpose of the Consumer Assistance Program (CAP) is to improve California air quality by helping consumers comply with the requirements of the Smog Check Program. Vehicle owners, who meet eligibility requirements are offered the following:

(a) Payment for voluntarily retiring from operation a motor vehicle that fails a smog check inspection.

(b) Financial assistance to make emissions-related repairs to a vehicle that fails a smog check inspection.

NOTE: Authority cited: Sections 44000, 44001.3, 44001.5, 44002 and 44091, Health and Safety Code. Reference: Sections 44011, 44062.1, 44090, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. Renumbering of former article 11 to new article 12 (sections 3395–3395.4) and new article 11 (sections 3394.1–3394.5) and new section filed 12–3–98 as an emergency; operative 12–3–98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–2–99 or emergency language will be repealed by operation of law on the following day.
2. Renumbering of former article 11 to new article 12 (sections 3395–3395.4) and new article 11 (sections 3394.1–3394.5) and new section refiled 3–30–99 as an emergency; operative 4–2–99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–99 or emergency language will be repealed by operation of law on the following day.

3. Renumbering of former article 11 to new article 12 (sections 3395–3395.4) and new article 11 (sections 3394.1–3394.5) and section refiled 7–26–99 as an emergency; operative 8–2–99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–30–99 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 7–26–99 order, including amendment of section heading, section and NOTE, transmitted to OAL 11–18–99 and filed 1–3–2000 (Register 2000, No. 1).

5. Amendment of article heading, section heading, section and NOTE filed 6–26–2000 as an emergency; operative 7–1–2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–30–2000 or emergency language will be repealed by operation of law on the following day.

6. Amendment of article heading, section heading, section and NOTE refiled 10–30–2000 as an emergency; operative 10–30–2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–27–2001 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10–30–2000 order, including further amendment of section heading and section, transmitted to OAL 2–9–2001 and filed 3–27–2001 (Register 2001, No. 13).

§ 3394.2. Consumer Assistance Program Administration.

The Consumer Assistance Program shall be administered by the Bureau of Automotive Repair through contracts with dismantlers, licensed smog check test-and-repair stations, and other entities as necessary.

NOTE: Authority cited: Sections 44000, 44001.3, 44001.5 and 44002, Health and Safety Code. Reference: Sections 44010.5, 44037.1, 44037.2, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section filed 12–3–98 as an emergency; operative 12–3–98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–2–99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3–30–99 as an emergency; operative 4–2–99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–99 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7–26–99 as an emergency; operative 8–2–99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–30–99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7–26–99 order, including amendment of section, transmitted to OAL 11–18–99 and filed 1–3–2000 (Register 2000, No. 1).
5. Amendment of section heading, section and NOTE filed 6–26–2000 as an emergency; operative 7–1–2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–30–2000 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, section and NOTE refiled 10–30–2000 as an emergency; operative 10–30–2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–27–2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10–30–2000 order transmitted to OAL 2–9–2001 and filed 3–27–2001 (Register 2001, No. 13).

§ 3394.3. State Assistance Limits.

An applicant determined to be eligible under the Consumer Assistance Program may receive the following assistance:

(a) Under the Vehicle Retirement option, payment up to one thousand dollars (\$1,000) for each vehicle retired from operation at a dismantler operating under contract with the Bureau of Automotive Repair.

(b) Under the Repair Assistance option, up to five hundred dollars (\$500) in emissions-related diagnostic and repair services performed at a licensed smog check test-and-repair station operating under contract with the Bureau of Automotive Repair.

NOTE: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code. Reference: Sections 44001.3, 44015, 44017, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section filed 12–3–98 as an emergency; operative 12–3–98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–2–99 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3–30–99 as an emergency; operative 4–2–99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–99 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7–26–99 as an emergency; operative 8–2–99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–30–99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7–26–99 order, including amendment of section, transmitted to OAL 11–18–99 and filed 1–3–2000 (Register 2000, No. 1).
5. Amendment of section heading, repealer and new section, and amendment of NOTE filed 6–26–2000 as an emergency; operative 7–1–2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–30–2000 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, repealer and new section, and amendment of NOTE refiled 10–30–2000 as an emergency; operative 10–30–2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–27–2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10–30–2000 order, including further amendment of subsections (a) and (b), transmitted to OAL 2–9–2001 and filed 3–27–2001 (Register 2001, No. 13).

§ 3394.4. Eligibility Requirements.

(a) In order to participate in the Consumer Assistance Program, a person must meet the following requirements, as applicable:

(1) Be the registered owner of an eligible vehicle who has paid all appropriate registration fees for the vehicle with the Department of Motor Vehicles.

(2) Under a Repair Assistance option which is based on a person's income level:

(A) i. Until December 31, 2008, have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services;

ii. Beginning January 1, 2009, have a household income that is less than or equal to one hundred eighty-five percent (185%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services; and

(B) Spend a minimum co-payment of twenty dollars (\$20) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

(3) Under a Repair Assistance option which is based on a person's vehicle being directed to a Test-Only station to have its smog check inspection, as indicated on the Department of Motor Vehicles renewal notice, spend a minimum co-payment of one hundred dollars (\$100) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

(4) Under the Vehicle Retirement option:

(A) Obtain a Revivable Junk Receipt from the Department of Motor Vehicles after receiving written confirmation from the Bureau of Automotive Repair on program eligibility;

(B) Not have retired another vehicle through the Smog Check Consumer Assistance Program within a preceding twelve-(12) month period; and

(C) A vehicle owner who is a joint owner of a vehicle may not sell more than two (2) vehicles to the Consumer Assistance Program within a twelve-(12) month period.

(b) In order to qualify for participation in any option of the Consumer Assistance Program, a vehicle must be a motor vehicle that is required biennially to obtain a certificate of compliance pursuant to Section 44011 of the Health and Safety Code and has failed a biennial smog check inspection, as required pursuant to subdivision (a) of Section 44011.

(c) In order to qualify for participation in the Vehicle Retirement option of the Consumer Assistance Program, at the time of application, a vehicle must:

(1) Be currently registered with the Department of Motor Vehicles; or,

(2) Be currently operating under a repair cost waiver or economic hardship extension issued by the Bureau of Automotive Repair; or,

(3) Be currently operating under a Temporary Operating Permit issued by the Department of Motor Vehicles; or,

(4)(A) Until June 30, 2009, not have a registration that has been expired for more than one hundred eighty (180) days after the date the application is postmarked;

(B) Beginning July 1, 2009, not have a registration that has been expired for more than one hundred twenty (120) days after the date the application is postmarked; and

(5) Have been continuously registered as an operable vehicle with the Department of Motor Vehicles for the twenty-four (24) months immediately preceding the current registration expiration date; and

(6)(A) Until June 30, 2009, have failed a biennial smog check inspection no later than one hundred eighty (180) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than one hundred eighty (180) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light;

(B) Beginning July 1, 2009, have failed a biennial smog check inspection no later than one hundred twenty (120) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than one hundred twenty (120) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light; and

(7) Be a passenger vehicle, or light-duty truck, with a gross vehicle weight rating of 8,500 pounds or less; and

(8) Pass a visual inspection conducted by the Bureau or its representative verifying that:

(A) All doors are present;

(B) The hood lid is present;

(C) The dashboard is present;

(D) The windshield is present;

(E) At least one side window glass is present;

(F) The driver's seat is present;

(G) At least one bumper is present;

(H) The exhaust system is present;

(I) All side and/or quarter panels are present; and

(J) At least one headlight, one taillight, and one brake light are present; and

(9) Pass an operational inspection conducted by the Bureau or its representative verifying that:

(A) The vehicle is driven under its own power to an approved dismantler site;

(B) The vehicle's engine starts readily through ordinary means without the use of starting fluids or external booster batteries;

(C) The drivability of the vehicle is not affected by any body, steering, or suspension damage;

(D) The vehicle is able to drive forward a minimum distance of ten (10) yards under its own power, and

(E) The interior pedals are operational.

NOTE: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section filed 12–3–98 as an emergency; operative 12–3–98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–2–99

or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3–30–99 as an emergency; operative 4–2–99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–99 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7–26–99 as an emergency; operative 8–2–99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–30–99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7–26–99 order, including amendment of section and NOTE, transmitted to OAL 11–18–99 and filed 1–3–2000 (Register 2000, No. 1).
5. Amendment of section heading, section and NOTE filed 6–26–2000 as an emergency; operative 7–1–2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–30–2000 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, section and NOTE refiled 10–30–2000 as an emergency, including further amendment of NOTE; operative 10–30–2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–27–2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10–30–2000 order, including further amendment of section and NOTE, transmitted to OAL 2–9–2001 and filed 3–27–2001 (Register 2001, No. 13).
8. Amendment of subsection (b)(1) filed 2–26–2002 as an emergency; operative 2–26–2002 (Register 2002, No. 9). A Certificate of Compliance must be transmitted to OAL by 6–26–2002 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 2–26–2002 order transmitted to OAL 6–13–2002 and filed 7–2–2002 (Register 2002, No. 27).
10. Amendment of section and NOTE filed 7–31–2006; operative 7–31–2006 pursuant to Government Code section 11343.4 (Register 2006, No. 31).
11. Redesignation and amendment of former subsection (c)(4) as subsection (c)(4)(A), new subsection (c)(4)(B), redesignation and amendment of former subsection (c)(6) as subsection (c)(6)(A) and new subsection (c)(6)(B) filed 8–12–2008; operative 8–12–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 33).

§ 3394.5. Ineligible Vehicles.

(a) The following vehicles are not eligible for participation in the Consumer Assistance Program:

- (1) A vehicle undergoing a transfer of ownership.
- (2) A vehicle being initially registered in California.
- (3) A direct import vehicle being initially registered in California.
- (4) A vehicle powered by alternate fuel, unless a Bureau Referee label is posted on the vehicle.
- (5) A specially constructed vehicle, unless a Bureau Referee label is posted on the vehicle.
- (6) A dismantled vehicle pursuant to Section 11519 of the Vehicle Code.
- (7) A vehicle operated by a fleet licensed and registered pursuant to Section 44020 of the Health and Safety Code.
- (8) A vehicle registered to a non-profit organization or a business.
- (9) A vehicle that is untestable on a BAR–97 Emissions Inspection System (EIS).
- (10) Under the Repair Assistance option, a vehicle with a tampered emissions control system.
- (11) Under the Vehicle Retirement option, a vehicle with a tampered emissions control system where the tampered system is the cause for failing the smog check inspection.

NOTE: Authority cited: Sections 44000, 44001.3, 44001.5, 44002, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code. Reference: Sections 44011, 44015, 44017, 44020, 44037.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code; and Section 11519, Vehicle Code.

HISTORY

1. New section filed 12–3–98 as an emergency; operative 12–3–98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–2–99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3–30–99 as an emergency; operative 4–2–99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–99 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 7–26–99 as an emergency; operative 8–2–99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–30–99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7–26–99 order, including amendment of section heading and repealer and new section, transmitted to OAL 11–18–99 and filed 1–3–2000 (Register 2000, No. 1).
5. Amendment of section heading, repealer and new section, and amendment of NOTE filed 6–26–2000 as an emergency; operative 7–1–2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–30–2000 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, repealer and new section, and amendment of NOTE refiled 10–30–2000 as an emergency, including further amendment of NOTE; operative 10–30–2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–27–2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10–30–2000 order, including further amendment of section and NOTE, transmitted to OAL 2–9–2001 and filed 3–27–2001 (Register 2001, No. 13).
8. Change without regulatory effect amending subsection (a)(9) filed 10–11–2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

§ 3394.6. Application and Documentation Requirements.

(a) In order to participate in the Consumer Assistance Program, an applicant must submit a completed application, PPD 08_22 CAP/APP (02/08), which is hereby incorporated by reference, to the Department or its designee with original signature(s).

(b) The application must include copies of the following documents, as applicable:

(1) Under the Repair Assistance option, copies of any invoices for emissions-related repairs performed prior to applying to the Consumer Assistance Program, for the sole purpose of crediting the consumer co-payment required under section 3394.4.

(2) Under the Repair Assistance option, if applying based on income level, an applicant must show proof of household income by providing a copy of any one of the following documents:

(A) A letter from the issuing agency stating that the applicant receives any of the following benefits:

1. Supplemental Security Income (SSI);
2. State Supplemental Payments (SSP);
3. Temporary Assistance for Needy Families (TANF);
4. California Work Opportunity and Responsibility to Kids (CalWORKS);
5. General Assistance (GA) or General Relief (GR); or
6. Publicly subsidized medical coverage, such as or Medi-Cal.

(B) The applicant's state or federal income tax form (Form 540 or 1040) filed in the most recent tax year;

(C) A paycheck stub reflecting year-to-date earnings, hours worked, and hourly wage of the applicant;

(D) An unemployment, veterans benefits, or disability check issued to the applicant within the last sixty (60) days;

(E) A monthly bank statement issued to the applicant within the last sixty (60) days reflecting direct deposit of Social Security or Public Assistance; or

(F) Other documentation satisfactory to the Department.

NOTE: Authority cited: Sections 44001.5, 44002, 44091 and 44094, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44015, 44017, 44017.1, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. Renumbering of former section 3340.9 to section 3394.6, including amendment of section heading, repealer and new section, amendment of NOTE, and amendment of Form CAP–APP filed 6–26–2000 as an emergency; operative 7–1–2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–30–2000 or emergency language will be repealed by operation of law on the following day.
2. Change without regulatory effect amending subsection (a) and updating Form CAP–APP filed 9–21–2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 38).
3. Renumbering of former section 3340.9 to section 3394.6, amendment of section heading, repealer and new section, amendment of NOTE, and amendment of Form CAP–APP refiled 10–30–2000 as an emergency, including further

amendment of NOTE; operative 10–30–2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–27–2001 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 10–30–2000 order, including further amendment of subsections (a)–(b)(1), repealer of subsections (b)(2)–(6), subsection renumbering, and amendment of Form CAP–APP, transmitted to OAL 2–9–2001 and filed 3–27–2001 (Register 2001, No. 13).
5. Change without regulatory effect amending subsection (a) and form CAP–APP filed 8–15–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 33).
6. Amendment of subsection (a), new subsection (b)(2)(A)4., subsection renumbering, amendment of CAP/APP form and amendment of NOTE filed 2–26–2002 as an emergency; operative 2–26–2002 (Register 2002, No. 9). A Certificate of Compliance must be transmitted to OAL by 6–26–2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 2–26–2002 order transmitted to OAL 6–13–2002 and filed 7–2–2002 (Register 2002, No. 27).
8. Amendment of subsection (a) and NOTE and repealer and new form CAP/APP (removed from print and incorporated by reference) filed 7–31–2006; operative 7–31–2006 pursuant to Government Code section 11343.4 (Register 2006, No. 31).
9. Change without regulatory effect repealing and readopting new CAP/APP form (incorporated by reference) and amending subsection (a) filed 11–2–2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 44).
10. Change without regulatory effect amending subsections (a) and (b)(1)(A)6. and form PPD 05_046 CAP/APP (incorporated by reference) filed 10–1–2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 40).
11. Change without regulatory effect amending subsection (a) filed 8–13–2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 33).

Article 12. Miscellaneous

§ 3395. Criteria for Rehabilitation.

(a) When considering the denial of a license or a registration under Section 480 of the Business and Professions Code, the bureau, in evaluating the rehabilitation of the applicant, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license or a registration on the grounds that the licensee or registrant has been convicted of a crime, the bureau, in evaluating the rehabilitation of such person, will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee or registrant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee or registrant.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee or registrant.

(c) When considering a petition for reinstatement of a license or a registration, the bureau shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 475, 480, 482 and 9884.19, Business and Professions Code.

HISTORY

1. New Article 11 (Sections 3395 and 3396) filed 7–24–73 as an emergency; effective upon filing (Register 73, No. 30).
2. Certificate of Compliance filed 9–14–73 (Register 73, No. 37).
3. Amendment filed 5–8–75; effective thirtieth day thereafter (Register 75, No. 19).
4. Amendment filed 12–23–76; effective thirtieth day thereafter (Register 76, No. 52).
5. Renumbering of former Article 11 (Section 3395) to new Article 10 (Sections 3395–3395.3), and amendment of Section 3395 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).
6. Renumbering of former article 10 to new article 11 (sections 3395–3395.3) filed 4–23–97 as an emergency; operative 4–23–97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–21–97 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 4–23–97 order transmitted to OAL 8–19–97 and filed 9–30–97 (Register 97, No. 40).
8. Renumbering of former article 11 to new article 12 (sections 3395–3395.4) filed 12–3–98 as an emergency; operative 12–3–98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–2–99 or emergency language will be repealed by operation of law on the following day.
9. Renumbering of former article 11 to new article 12 (sections 3395–3395.4) refilled 3–30–99 as an emergency; operative 4–2–99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–99 or emergency language will be repealed by operation of law on the following day.
10. Renumbering of former article 11 to new article 12 (sections 3395–3395.4) refilled 7–26–99 as an emergency; operative 8–2–99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–30–99 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 7–26–99 order transmitted to OAL 11–18–99 and filed 1–3–2000 (Register 2000, No. 1).

§ 3395.1. Conditions to Insure Future Compliance.

A person whose registration has previously been refused validation or who has committed acts prohibited by Section 9884.7 of the Act shall, as a condition to any subsequent consideration of an application for validation of his registration, submit evidence which is deemed to be sufficient to establish his rehabilitation. The evidence of rehabilitation shall be submitted in addition to any other information which may be required by the bureau.

NOTE: Authority cited: Sections 482, 9882 and 9884.2, Business and Professions Code. Reference: Sections 482, 486 and 9884.2, Business and Professions Code.

HISTORY

1. Renumbering and amendment of former Section 3352 to Section 3395.1 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3395.2. Criteria for Denial, Suspension, or Revocation of a Registration.

A crime or act shall be considered to be substantially related to the qualifications, functions, or duties of a registrant if to a substantial degree it shows that the registrant is presently or potentially unfit to perform the functions authorized by the registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, any violation of the provisions of Article 3 of Chapter 20.3 of Division 3 of the Business and Professions Code.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 475–491, Business and Professions Code.

HISTORY

1. Renumbering and amendment of former Section 3357 to Section 3395.2 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3395.3. Manufacture, Sale, or Installation of Defective Vehicle Parts.

Any violation of Section 12000 through 12002 of the Vehicle Code shall be cause for disciplinary action against the registration of an automotive repair dealer.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Section 9884.7, Business and Professions Code; and Sections 12000–12002, Vehicle Code.

HISTORY

1. Renumbering and amendment of former Section 3374.1 to Section 3395.3 filed 2–22–83; effective thirtieth day thereafter (Register 83, No. 9).

§ 3395.4. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), including formal hearings conducted by the Office of Administrative Hearing, the Bureau of Automotive Repair shall consider the disciplinary guidelines entitled “Guidelines for Disciplinary Penalties and Terms of Probation” [May, 1997] which are hereby incorporated by reference. The “Guidelines for Disciplinary Penalties and Terms of Probation” are advisory. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Bureau of Automotive Repair in its sole discretion determines that the facts of the particular case warrant such deviation—for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Section 9882, Business and Professions Code; and Sections 11400.20 and 11400.21, Government Code. Reference: Sections 11400.20, 11400.21 and 11425.50(e), Government Code.

HISTORY

1. New section filed 7–7–97; operative 7–7–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 28).

*GUIDELINES FOR DISCIPLINARY
PENALTIES AND TERMS OF PROBATION*

[Revised May, 1997]

I. INTRODUCTION

To foster uniformity of penalties and to make sure our licensees and registrants understand the consequences of violations of the Automotive Repair Act or the Smog Check Program, the Bureau of Automotive Repair has established these guidelines. The guidelines provide a range of penalties for each section of law found to have been violated. The Bureau requests that Administrative Law Judges take into account the “Factors in Aggravation and in Mitigation” listed below, when deciding the severity of the penalty within the range.

Should a probationary period be a part of a proposed decision, the Bureau requests that the Administrative Law Judge impose the appropriate “Terms and Conditions of Probation,” as outlined below. These terms and conditions are intended to protect the public from continued illegal behavior and to facilitate the rehabilitation of the probationer without being unduly burdensome or anti-competitive.

The letters A through C following each section of law or regulation refer to the Standard Terms and Conditions of Probation (A–C) to be applied for a confirmed violation of that section.

II. FACTORS IN AGGRAVATION AND IN MITIGATION

The Bureau normally submits cases for the filing of an Accusation based on investigations and the use of undercover vehicle operations in order to detect and document multiple violations of the Smog Check Program or the Automotive Repair Act.

In determining the proper penalty within the suggested ranges the following factors should be considered:

1. FACTORS IN AGGRAVATION

- a. Prior warnings from BAR.
- b. Prior Notices of Violations.
- c. Prior Office Conference with BAR.
- d. Prior adverse Inspection Reports.
- e. Prior demonstrations of incompetence.
- f. Prior history of citations.
- g. Prior history of formal disciplinary action.
- h. Failure to permit BAR inspection of records.
- i. Abuse of mechanic’s lien.
- j. Attempts to intimidate consumer.
- k. Negligent or willful improper repair work that endangers consumer.
- l. Evidence that the unlawful act was part of a pattern of practice.

m. Failure to comply with BAR request for corrective action/retraining.

- n. Currently on probation for improper acts.
- o. Failure to successfully complete prior period of probation.
- p. Failure to pay court judgment to victim.
- q. Violation of previous court order.
- r. Any other conduct which constitutes fraud or gross negligence.

2. FACTORS IN MITIGATION

- a. Evidence that respondent accepted BAR’s suggested resolution to consumer complaint.
- b. Evidence of voluntary participation in retraining for self or employees.
- c. Evidence of voluntary purchase of proper diagnostic equipment and manuals.
- d. Evidence of temporary medical condition that prevented respondent from exercising supervision and control over employees or others, which led to wrongdoing.
- e. No loss to consumer and no damage to consumer’s property. (Undercover cars are treated as if they were consumers.)
- f. Evidence that shop has taken specific steps for retraining and has initiated steps to minimize recurrence.
- g. Evidence of resolution of all consumer complaints with a subsequent change in business practice.
- h. Evidence of internal control or audit designed to eliminate errors.

The absence of any new allegations or amendments to the accusation as originally filed, during the period between the filing of the accusation and the date the matter comes to hearing, in itself, shall not be regarded as evidence of mitigation.

III. STANDARD TERMS AND CONDITIONS OF PROBATION**A. Standard Terms and Conditions “A” include the following:****1. During the period of probation, respondent(s) shall:**

- a. Comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.
- b. (Applicable only when actual suspension is ordered.) Post a prominent sign, provided by the Bureau, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign shall be conspicuously displayed in a location open to and frequented by customers and shall remain posted during the entire period of actual suspension.
- c. Respondent or respondent’s authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.
- d. Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or owners of the respondent facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.
- e. Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.
- f. If an accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the accusation, and the period of probation shall be extended until such decision.
- g. Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard [temporarily or permanently invalidate the registration] [suspend or revoke the license].

h. If the accusation involves false and misleading advertising, during the period of probation, respondent shall submit any proposed advertising copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

**B. Standard Terms and Conditions “B” include the following:
(Applicable to Technicians only)**

1. During the period of probation, respondent shall attend and successfully complete a Bureau certified training course in diagnosis and repair of emission systems failures and engine performance, applicable to the class of license held by the respondent. Said course shall be completed and proof of completion submitted to the Bureau within 60 days of the effective date of this decision and order. If proof of completion of the course is not furnished to the Bureau within the 60-day period, respondents' license shall be immediately suspended until such proof is received.

**C. Standard Terms and Conditions “C” include the following:
(Applicable to Smog Check Stations only)**

1. During the period of probation, respondent shall not perform any

form of smog inspection, or emission system diagnosis or repair, until respondent has purchased, installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to properly perform such work, and BAR has been given 10 days notice of the availability of tire equipment for inspection by a BAR representative.

IV. PENALTY GUIDELINES

Accusations are filed by the Bureau only in cases it deems serious. The Bureau's emphasis is on disciplining licensees who show a pattern of abuse or willful misconduct in dealing with the public. The following guidelines were formulated for licensees who are found to have committed substantial violations. The Bureau suggests that in cases involving multiple violations, orders for suspension or other discipline run concurrently.

Because the Bureau reserves the filing of a Petition for Interim Suspension Order (ISO) for only the most egregious of cases, the only recommended penalty would be invalidation and revocation of all registrations and licensees. Therefore, in such cases the following guidelines need not be consulted.

<u>Code Sections</u>	<u>Terms and Conditions of Probation</u>
1. Business and Professions Code	
§ 9884.7	
(a) – False and Misleading Statements	
Min. – 90-day suspension	
80 days stayed	A
2 years probation	
Max. – Revocation	
(d) – Conduct Constituting Fraud	
Min. – Revocation, stayed	
30-day suspension	A
5 years probation	
Max. – Revocation	
(e) – Gross Negligence	
Min. – 90-day suspension	
80 days stayed	A
2 years probation	
Max. – Revocation	
(f) – Failure to Comply	
Min. – 180-day suspension	
160 days stayed	A
2 years probation	
Max. – Revocation	
(g) – Willful Departure	
Min. – 90-day suspension	
80 days stayed	A
2 years probation	
Max. – Revocation	
(h) – False Promises	
Min. – 180-day suspension	
160 days stayed	A
2 years probation	
Max. – Revocation	
§ 9884.8 – Improper Invoice	
Min. – 10-day suspension	
2 years probation	A
Max. – Revocation	
§ 9884.9 – No Written Estimate	
Min. – 90-day suspension	
80 days stayed	A
2 years probation	
Max. – Revocation	
§ 9884.11 – Failure to Retain Records	
Min. – 90-day suspension	
80 days stayed	A
2 years probation	
Max. – Revocation	

<u>Code Sections</u>	<u>Terms and Conditions of Probation</u>
§ 9889.16 – Licensed Installer Required Min. – 90-day suspension 80 days stayed 2 years probation Max. – Revocation	A
2. Health and Safety Code	
§ 44012 – Improper Inspections Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation Max. – Revocation of ARD & Station License	A&B
2. Health and Safety Code (Continued)	
§ 44014 – Test and Repair Conducted by Unqualified/Unlicensed Technician/Station Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation Max. – Revocation of ARD & Station license	A
§ 44014.5(b) – Repairs Performed at a Test-Only Station Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station/Technician license 2 years probation Max. – Revocation of ARD, stayed 3 years probation Station license revoked	A&B
§ 44015 – Improper Issuance of Certificates of Compliance Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation Max. – Revocation of ARD & Station license	A & B
§ 44017 – Failure to Comply with Cost Limits Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation Max. – Revocation of ARD & Station license	A & B
§§ 44031.5 & 44032 – Test and Repair by Non-Qualified Technician Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation Max. – Revocation of ARD & Station license	A
§ 44059 – Making Any False Statement or Entry in Any Certificate of Compliance or TAS Analyzer Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation Max. – Revocation of ARD & Station license	A & B
3. Cal. Code Regs., Title 16	
§§ 3340.16 & 3340.16.5 – Station Equipment and Testing Requirements Min. – Revocation of ARD & Station license, stayed 10-day suspension of Station license 2 years probation Max. – Revocation of ARD & Station license, stayed 60-day suspension of Station license 3 years probation	A, B & C
§ 3340.16.6 – Requirement for Telephone Line Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation Max. – Revocation of ARD, stayed 3 years probation. Revocation of Station license	A & C
§ 3340.41(a) – Failure to Give Customer a Copy of Test Report Min. – Revocation of ARD & Station license, stayed 10-day suspension of Station license 2 years probation Max. – Revocation of ARD & Station license, stayed 60-day suspension of Station license 3 years probation	A & B

<u>Code Sections</u>	<u>Terms and Conditions of Probation</u>
§§ 3340.41(b) & (c) – Tampering with or Entering False Information into a Test Analyzer System (TAS)	
Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation	A & B
Max. – Revocation of ARD, stayed 3 years probation. Revocation of Station license	
3. Cal. Code Regs., Title 16 (Continued)	
§ 3340.41(d) – Failing to Follow Proper Specifications and Procedures for Diagnosis and Repair	
Min. – Revocation of ARD & Station license, stayed 30-day suspension of Station license 2 years probation	A, B & C
Max. – Revocation of ARD, stayed 3 years probation. Revocation of Station license	
§ 3360.2 – Ball Joints	
Min. – 90-day suspension	A
Max. – Revocation	
§ 3361.1 – Automatic Transmission	
Min. – 90-day suspension 80 days stayed 2 years probation	A
Max. – Revocation	
§§ 3371 & 3372 – Misleading Advertising	
Min. – 180-day suspension 160 days stayed 2 years probation	A
Max. – Revocation	

Division 33.1. Arbitration Certification Program

Article 1.

§ 3396.1. Definitions.

(a) “Applicable law” means the portions of the Song–Beverly Consumer Warranty Act (Civil Code Sections 1790–1795.7) that pertain to express and implied warranties and remedies for breach; the portions of Division 2 (commencing with Section 2101) of the Commercial Code that pertain to express and implied warranties and remedies for breach; the portions of Sections 43204, 43205 and 43205.5 of the Health and Safety Code that pertain to automobile emissions warranties; Chapter 9 of Division 1 of the Business and Professions Code, pertaining to certification of dispute resolution processes, and this subchapter.

(b) “Applicant” means a manufacturer seeking certification of an arbitration program sponsored and used by the manufacturer, or an arbitration program and a manufacturer jointly seeking certification of an arbitration program used by the manufacturer.

(c) “Arbitration program” means a “dispute resolution process,” as that term is used in Civil Code Sections 1793.22(c)–(d) and 1794(e), and Business and Professions Code Section 472, established to resolve disputes involving written warranties on new motor vehicles. The term includes an “informal dispute settlement procedure,” as that term is used in Section 703.1(e) of Title 16 of the Code of Federal Regulations, established to resolve disputes involving written warranties on new motor vehicles. The term includes an “informal dispute settlement mechanism,” as that term is used in 15 U.S.C. 2310(a)(1), and an “informal dispute settlement procedure,” as that term is used in Section 703.1(e) of Title 16 of the Code of Federal Regulations, established to resolve disputes involving written warranties on new motor vehicles. The term includes those components of a program for which the manufacturer has responsibilities under Article 2 of this subchapter.

(d) “Arbitrator” means the person or persons within an arbitration program who actually decide disputes.

(e) “Arbitration Certification Program” means the Arbitration Certification Program of the Department of Consumer Affairs.

(f) “Certification” means a determination by the Arbitration Certification Program, made pursuant to this subchapter, that an arbitration program is in substantial compliance with Civil Code Section 1793.22(d), Chapter 9 of Division 1 of the Business and Professions Code, and this subchapter.

(g) “Consumer” means any individual who buys or leases a new motor vehicle from a person (including any entity) engaged in the business of manufacturing, distributing, selling, or leasing new motor vehicles at retail. The term includes a lessee for a term exceeding four months, whether or not the lessee bears the risk of the vehicle’s depreciation. The term includes any individual to whom the vehicle is transferred during the duration of a written warranty or under applicable state law to enforce the obligations of the warranty. The name of the registered owner or class of motor vehicle registration does not by itself determine the purpose or use.

(h) “Days” means calendar days unless otherwise stated.

(i) “Independent automobile expert” means an expert in automotive mechanics who is certified in the pertinent area by the National Institute for Automotive Service Excellence (NIASE). The expert may be a volunteer, or may be paid by the arbitration program or the manufacturer for his or her services, but in all other respects shall be in both fact and appearance independent of the manufacturer.

(j) “Manufacturer” means a new motor vehicle manufacturer, manufacturer branch, distributor or distributor branch, required to be licensed pursuant to Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 of the Vehicle Code, or any other person (including any entity) actually making a written warranty on a new motor vehicle.

(k) “New motor vehicle” means a new motor vehicle which is used

or bought for use primarily for personal, family or household purposes. “New motor vehicle” also means a new motor vehicle with a gross vehicle weight under 10,000 pounds that is bought or used primarily for business purposes by a person, including a partnership, limited liability company, corporation, association, or any other legal entity, to which not more than five motor vehicles are registered in this state. The term includes a dealer–owned vehicle, a “demonstrator,” and any other motor vehicle sold or leased with a manufacturer’s new car warranty. The term does not include a motorcycle, or a motor vehicle which is not registered under the Vehicle Code because it is to be operated or used exclusively off the highways. The term “new motor vehicle” also includes the chassis and chassis cab of the motor home, and that portion of a motor home devoted to its propulsion, but does not include any portion of a motor home designed, used or maintained primarily for human habitation. A “motor home” is a vehicular unit built on, or permanently attached to, a self–propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy. A “demonstrator” is a vehicle assigned by a dealer for the purpose of demonstrating qualities and characteristics common to vehicles of the same or similar model and type.

(l) “Nonconformity” means any defect, malfunction or failure to conform to the written warranty.

(m) “Substantial nonconformity” means any defect, malfunction or failure to conform to the written warranty which substantially impairs the use, value or safety of the new motor vehicle to the consumer.

(n) “Written warranty” means either:

(1) any written affirmation of fact or written promise made by a manufacturer to a consumer in connection with the sale or lease of a new motor vehicle which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect–free or will meet a specified level of performance over a specified period of time;

(2) any undertaking in writing made by a manufacturer to a consumer in connection with the sale or lease of a new motor vehicle to refund, repair, replace, or take other remedial action with respect to the vehicle in the event that the vehicle fails to meet the specifications set forth in the undertaking, which written affirmation, promise or undertaking becomes part of the basis of the bargain.

NOTE: Authority cited: Sections 472, et seq., 472.1(b) and 472.4(f), Business and Professions Code. Reference: Sections 1791(a), (b) and (g), 1791.2, 1793.2(a)–(d), 1793.22(b), 1794 and 1795.4, Civil Code; Sections 472(b), 472.1(c) and 472.2(b), Business and Professions Code; 15 USC 2304(a); and 16 CFR Sections 701(d), 703.1(f) and (g).

HISTORY

1. New subchapter 2 (sections 3396.1–3399.6, not consecutive) filed 1–3–90; operative 2–2–90 (Register 90, No. 3). For history of former subchapter 2, see Registers 89, No. 7 and 86, No. 13.
2. Change without regulatory effect adopting new article 1 and amending subsections (a), (c), (e), (f) and NOTE filed 8–31–94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 35).
3. Change without regulatory effect adding new Division 33.1 and deleting Chapter 2 heading filed 3–31–95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 13).
4. Change without regulatory effect amending division heading and subsections (e) and (f) filed 1–25–99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 5).
5. Editorial correction of subsection (g) (Register 99, No. 13).
6. Change without regulatory effect amending subsection (k) filed 3–26–99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 13).
7. Change without regulatory effect amending subsection (k) filed 1–25–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 4).

§ 3397. Scope of Regulations.

NOTE: Authority cited: Sections 9889.31(a) and 9889.33, Business and Professions Code. Reference: Sections 9889.30 and 9889.32, Business and Professions Code.

HISTORY

1. New Subchapter 3 (Articles 1–3, Sections 3397–3397.43, not consecutive) filed 12–14–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 51).
2. Repealer filed 8–24–88; operative 9–23–88 (Register 88, No. 37).

Article 2. Minimum Standards for Manufacturers**§ 3397.1. General Duties.**

(a) The manufacturer shall fund and staff the arbitration program at a level sufficient to ensure fair and expeditious resolution of all disputes.

(b) The manufacturer shall take all steps necessary to ensure that the arbitration program, and its arbitrators and staff, are sufficiently insulated from the manufacturer and the sponsor (if other than the manufacturer), so that the decisions of the arbitrators and the performance of the staff are not influenced by either the manufacturer or the sponsor.

(c) The manufacturer shall comply with any reasonable requirements imposed by the arbitration program to fairly and expeditiously resolve warranty disputes, and shall perform all obligations to which it has agreed concerning the handling and resolution of disputes.

(d) The manufacturer shall comply with the provisions of both this part and Article 3 of this subchapter insofar as they impose obligations on the manufacturer.

NOTE: Authority cited: Sections 472.1(b) and (c) and 472.4(f), Business and Professions Code. Reference: 16 CFR Sections 703.2(f)(3) and (h), 16 CFR 703.3(a) and (b); Section 1793.22(d)(1), Civil Code; and Sections 472.1(b) and 472.4(f), Business and Professions Code.

HISTORY

1. New section filed 1–3–90; operative 2–2–90 (Register 90, No. 3). For prior history, see Register 88, No. 37.
2. Change without regulatory effect amending NOTE filed 8–31–94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 35).

§ 3397.2. Disclosures by Manufacturer to Consumers.

(a) The manufacturer shall include together, either in its written warranty or in a separate section of materials accompanying each vehicle sold or leased in California, in clear and readily understood language, the following information about the manufacturer's arbitration program and how to use it:

(1) Either

(A) a form addressed to the arbitration program containing spaces requesting the information which the program may require for prompt resolution of warranty disputes, or

(B) a telephone number of the arbitration program which consumers may use without charge.

(2) The name and address of the arbitration program.

(3) A brief description of the arbitration program's procedures and how to use them. The Arbitration Certification Program may reproduce such materials to inform the public about each program.

(4) The time limits adhered to by the arbitration program.

(5) The types of information which the arbitration program may require for prompt resolution of warranty disputes.

(6) If applicable, a clear statement explaining any requirement imposed by the manufacturer that the consumer resort to the arbitration program before invoking rights or remedies conferred by 15 USC Section 2310 or Civil Code Section 1793.22(b), together with a disclosure that the consumer is not required to resort to the program if the consumer chooses to seek redress by pursuing rights and remedies not created by those laws.

(7) Any limits on the scope of the decision, if authorized by Section 3398.10(d).

(8) A statement that if the consumer accepts the decision of the arbitration program, the manufacturer will be bound by the decision, and will comply with the decision within a reasonable time not to exceed 30 days after the manufacturer receives notice of the consumer's acceptance of the decision.

(9) A statement that the consumer may reject the decision and go to court, and that the decision and any findings will be admissible in any court action.

(b) The form described in subdivision (a)(1)(A) of this section may request any information reasonably necessary to decide the dispute including:

(1) The consumer's name, address and telephone number.

(2) The brand name and vehicle identification number (VIN) of the vehicle.

(3) The approximate date of the consumer's acquisition of the vehicle.

(4) The name of the selling dealer or the location where the vehicle was acquired.

(5) The current mileage.

(6) The approximate date and mileage at the time the problem was first brought to the attention of the manufacturer or any of its repair facilities.

(7) A brief statement of the nature of the problem and whether the problem is continuing.

(8) The names if known of any other dealers where the vehicle was serviced.

(9) A statement of the relief that is sought.

NOTE: Authority cited: Sections 472.1(b) and 472.4(f), Business and Professions Code. Reference: 16 CFR Sections 703.2(b)(3), 703.2(c)(1)–(5), 703.5(e)(1); Sections 1793.22(c) and 1793.22(d)(1)–(3), Civil Code.

HISTORY

1. New section filed 1–3–90; operative 2–2–90 (Register 90, No. 3). For prior history, see Register 88, No. 37.
2. Change without regulatory effect amending subsections (a)(6) and NOTE filed 8–31–94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 35).
3. Change without regulatory effect amending subsection (a)(3) filed 1–25–99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 5).

§ 3397.3. Resolution of Disputes Directly by Manufacturer.

(a) The manufacturer shall take steps reasonably calculated to make consumers aware of the arbitration program's existence at the time consumers experience warranty disputes.

(b) Nothing contained in this subchapter shall limit the manufacturer's option to encourage consumers to seek redress directly from the manufacturer as long as the manufacturer does not expressly require consumers to seek redress directly from the manufacturer. The manufacturer shall proceed fairly and expeditiously to attempt to resolve all disputes submitted directly to the manufacturer.

(c) Whenever a dispute is submitted directly to the manufacturer, the manufacturer shall, within a reasonable time, decide whether and to what extent it will attempt to satisfy the consumer, and shall inform the consumer of its decision. In its notification to the consumer of its decision, the manufacturer shall include the information specified in subdivision (a) of Section 3397.2.

(d) Disputes settled after the arbitration program has received notification of the dispute shall be subject to Sections 3398.9(b) and 3398.12(b).

NOTE: Authority cited: Sections 472.1(b) and 472.4(f), Business and Professions Code. Reference: 16 CFR Sections 703.2(d) and (e), 703.5(d)(4), 703.5(h); and Section 1793.22(d)(1), Civil Code.

HISTORY

1. New section filed 1–3–90; operative 2–2–90 (Register 90, No. 3).
2. Change without regulatory effect amending NOTE filed 8–31–94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 35).

§ 3397.4. Manufacturer's Duty to Aid in Investigation.

(a) The manufacturer shall respond fully and promptly to reasonable requests by the arbitration program for information relating to disputes.

(b) The manufacturer shall fully and promptly respond to reasonable requests by the arbitration program for any pertinent documents in its possession or under its control, such as:

- (1) technical service bulletins;
- (2) recall or parts replacement notices;
- (3) U.S. Department of Transportation publications;
- (4) repair records for a particular vehicle; and
- (5) any other documents which it is reasonable that the manufacturer should provide.

NOTE: Authority cited: Sections 472.1(b) and 472.4(f), Business and Professions Code. Reference: 16 CFR Sections 703.2(f)(1), 703.2(h) and 703.5(c); and Section 1793.22(d)(1), Civil Code.

HISTORY

1. New section filed 1–3–90; operative 2–2–90 (Register 90, No. 3).
2. Change without regulatory effect amending NOTE filed 8–31–94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 35).

§ 3397.5. Manufacturer's Duties Following Decision.

(a) The decision shall be binding on the manufacturer if the consumer elects to accept the decision.

(b) The manufacturer shall perform any decision of an arbitration program within the time prescribed by the decision, which shall be a reasonable time not to exceed 30 days after the manufacturer is notified that the consumer has accepted the decision. Delays caused by reasons beyond the control of the manufacturer or its representatives, including any delay directly attributable to any act or omission of the consumer, shall extend the period for performance, but only while the reason for the delay continues.

(c) When the decision of the arbitration program provides that the nonconforming motor vehicle be replaced or that restitution be made to the consumer, and the decision is subject to Civil Code Section 1793.2(d), the manufacturer shall either replace the vehicle if the consumer consents to this remedy or make restitution, and shall do so in accordance with Civil Code Section 1793.2(d)(2)(A), (B) and (C).

(d) The manufacturer shall not attempt to negotiate a settlement with the consumer between the time a decision of an arbitration program is disclosed to the manufacturer and the time the decision is disclosed to the consumer.

NOTE: Authority cited: Sections 472.1(b) and 472.4(f), Business and Professions Code. Reference: Section 1793.2(d) and 1793.22(b), Civil Code.

HISTORY

1. New section filed 1–3–90; operative 2–2–90 (Register 90, No. 3).
2. Change without regulatory effect amending NOTE filed 8–31–94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 35).

